

CIVIC ECONOMIES: COMMERCE, REGULATION, AND PUBLIC SPACE IN THE
ANTEBELLUM CITY

by
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A dissertation submitted to Johns Hopkins University in conformity with the
requirements for the degree of Doctor of Philosophy

Baltimore, Maryland
July 2014

Abstract

Between 1790 and 1860, the governance of Baltimore and Philadelphia transformed to meet the demands of a capitalist economy predicated on moving people and goods ever more rapidly and indiscriminately. Far from being an era of diminished governmental oversight, however, the early republic saw a dramatic expansion in local and state regulation of urban economies and spaces, as newly minted municipal corporations endeavored to carve out spheres of economic and political influence and protect consumers and public welfare. They did so through market houses, licensing, product inspection, nuisance laws, and a bevy of other instruments. In response, men and women from across the social spectrum—from widows selling oranges to railroad corporations—shaped urban regulation and promoted their own visions of the market, enacting a civic economy. Through a study of thousands of petitions to city leaders, as well as city records and legislation, “Civic Economies” builds upon recent scholarship that has recovered a robust tradition of regulation in antebellum America. But it goes further to show how local variations, competing legal interpretations, and dynamics of class, gender, and race suffused regulatory institutions.

“Civic Economies” also probes the myriad forms and meanings of capitalism in antebellum America. Understanding capitalism in the context of human-scale spaces like the market house, sidewalk, and neighborhood, petitioners tended not to view regulation and capitalism as oppositional forces. Beginning in the 1820s, however, other conceptions of capitalism—embematized by railroads, global trade, and abstract markets—exerted greater influence over urban governance. Increasingly, economic and

political elites used regulation to promote the free and efficient circulation of people, capital, and goods, rather than to ensure fair competition and just prices. Responsibility for market governance devolved from the state to urban capitalists operating through corporations and boards of trade. Municipal product inspection collapsed in the 1840s under the weight of free trade arguments, while private market houses proliferated at the expense of municipal market houses. Meanwhile, city leaders embarked on transforming urban space and governance in the image of nineteenth-century liberalism, promoting freedom of mobility and anchoring social inequalities in the built landscape—a pair of antebellum legacies that continues to shape American urbanism.

Advisor: Mary P. Ryan

Readers: Ronald G. Walters, Michael P. Johnson, Matthew Crenson, Mary Fissell

Acknowledgments

There have been times, during the process of writing this dissertation, that I have felt a little too much like Ignatius J. Reilly in John Kennedy Toole's *Confederacy of Dunces*, stumbling down one rabbit hole after another. Luckily, Fortuna has blessed me with a far better set of companions and co-conspirators, starting with my advisor. Mary Ryan has shepherded this project from its beginning as a first-year paper, along the way refining my questions, challenging my conclusions, sharpening my prose, and being the most unflappable, loyal, and generous advisor one could hope for. While I did not always heed Mary's advice, my work invariably benefited when I did. She was patient as I circled around the issues that eventually would guide this project, giving me the space to explore on my own but calling me in when I strayed too far. Whenever I struggled during the research and writing processes, she knew how to rekindle my excitement in the project. Her encouragement to tackle big questions and make bold claims has made me a better historian.

Going back to my days as a Johns Hopkins undergraduate in his senior seminar, Ron Walters has had a great impact on how I think, how I teach, and how I treat others. He is a consummate mentor, and I rely on him often for guidance on approaching old historical problems with fresh perspective. Mike Johnson has been a steadfast advocate and resource throughout my time at Hopkins. He has made me a more rigorous researcher, and I have learned a great deal from him about how to ask the right questions in a precise way and to think critically about sources. Judy Walkowitz's influence can be found throughout the following pages. Mary Fissell and Matt Crenson first encountered my

dissertation in its late stages, but their insights will be invaluable as I transform my manuscript into a book. In seminars, workshops, and hallway conversations, Hopkins history department faculty have shaped and invigorated my intellectual and professional growth, including Tobie Meyer-Fong, Toby Ditz, Angus Bergin, Nathan Connolly, and John Marshall. I owe a special debt of gratitude to Melanie Shell-Weiss for her enthusiasm and reassurance. Megan Zeller responded swiftly to countless questions, offered solutions to insolvable problems, and exuded compassion and composure.

Many talented people at Hopkins have helped me formulate my ideas. None have had a greater effect than fellow members of the “Charm School” of Baltimore history: Dave Schley, Katie Hemphill, and Paige Glotzer. It is rare to have such a gifted group of thinkers working on interrelated historical issues; it is rarer still for such a group to be as close and supportive as these three, alongside Jim Ashton, Chris Consolino, Adam Thomas, Mo Speller, and Katherine Arner. Hopkins’ gender workshop has provided an inviting and dynamic place to share ideas; those who have made it so include Katie Hindmarch-Watson, Sara Damiano, Jessica Valdez, Ren Pepitone, Adam Bisno, Will Brown, Norah Andrews, Jess Clark, Jason Hoppe, Katie Gray, Claire Cage, Amanda Herbert, and Zara Anishanslin. Joe and Sarah Adelman have provided invaluable advice and inspiration throughout the process. Craig Hollander is a generous scholar, a first-rate landlord, and a great friend. I benefited tremendously from arriving at Hopkins at the same time as Jonathan Gienapp, Claire Gherini, and Cole Jones. Patrick Luck, Ian Beamish, Gabe Klehr, and Steffi Cerato were helpful in thinking through the broader issues of antebellum history, while Khalid Kurji offered guidance on countless subjects.

Before returning to Hopkins, I spent two years at the University of Pittsburgh, the benefits of which I still reap. Alyssa Ribeiro, Julien Comte, Matt Casey, John Feerick, Eric Kimball, and numerous others in Pittsburgh provided, and continue to provide, friendship and intellectual sustenance. Dick Oestreicher sharpened my thinking, Rob Ruck gave a master class in teaching and patience, and Bruce Venarde offered a steady stream of wisdom and wit. Likewise, the year I spent at the McNeil Center for Early American Studies paid both immediate and renewable dividends. I found myself amidst a remarkable and giving group of young scholars, including Michael Goode, Jayne Ptolemy, Whitney Martinko, Matt Karp, Alea Henle, Simon Gilhooley, and Kate Gaudet, among others. With Dan Richter in sunnier climes for the year, Laura Keenan Spero kept things running smoothly.

Many other historians have generously offered their thoughts on drafts and research over email, during informal chats, and at conferences. As editors and mentors, Cathy Matson, Wendy Woloson, and Brian Luskey have gone above and beyond. Seth Rockman, Matthew Osborn, Richard Bell, Sean Adams, Carole Shammass, Martha Jones, Amy Greenberg, Tyler Putnam, Mary Ellen Hayward, and Laura Edwards, among many others, have assisted me in negotiating archives and intellectual thickets. Emma Hart, Albrecht Koschnik, and Sean Trainor extended offers to present on conference panels and gave me valuable feedback.

Historians are nothing without librarians and archivists, and I benefited from some of the best. At the Library Company of Philadelphia, Jim Green and Cornelia King steered me to many useful and overlooked resources. Ted O'Reilly made my brief stay at the New-York Historical Society incredibly productive, while archivists at the Historical

Society of Pennsylvania, Maryland State Archives, and Philadelphia City Archives were prompt and always accommodating. A fellowship at the Maryland Historical Society proved crucial, and I am grateful to Pat Anderson, Eben Dennis, and Iris Bierlein for their aid. I followed the Baltimore City Archives as it moved from a derelict Druid Hill warehouse to a temporary home in Annapolis, and finally to its new Mathews Street home. While occasionally inconvenient, the move has ensured a tremendous body of knowledge will be available for generations to come, and I am thankful that Ed Papenfuse dedicated himself to finding a stable home for Baltimore's municipal records. Saul B. Gibusiwa and Amy James have made working at the BCA a dream. Finally, I owe an enormous debt to Hopkins librarians and archivists, who have provided not only research help but also a wonderful place to work; this especially includes Ellen Keith, Kelly Spring, Chella Vaidyanathan, Amy Kimball, Jim Gillispie, and Jordon Steele.

Family has sustained and enlivened me throughout this endeavor, and on this account I am truly lucky. My parents, Jeff and Sue Gamble, never cease to amaze me with their love, humor, tolerance, and perspective, and I will spend the rest of my life trying to follow their examples. My brothers, Sean and Chris, have set an extraordinarily high bar for me, and nothing makes me happier than to spend time with them and talk about anything. Kendra Allaband and Nicole Ozer have been the big sisters I always hoped for (never more so than when I was being beaten up by my older brothers). My niece and nephews, Calvin and Celia Allaband-Gamble and Jack Gamble-Ozer, have taught me one of my greatest lessons: joy. My grandmother, Geraldine Reedy, is one of the most impressive women I have ever known; she will always be "the greatest" to me. I never met Jack Reedy, my grandfather, but I suspect I would have really liked him—I

know the rest of my family sure did. As if I was not lucky enough already, I acquired more family after this project began. Bobby, Katie, Scott, and Kathy Crumbaugh, along with Jen and Blake Darché, embraced me as one of them. Along with the newest arrivals, Whitney and Ashton, they have provided many laughs and welcome distractions and a deep reserve of support.

Being introduced to the Crumbaugh-Darchés is but one of a million and one things that Steph Gamble has done for me since we met a few weeks into the beginning of graduate school. As classmate, then best friend, and finally partner for life, Steph has enriched my life in every imaginable way. She has read every word of this dissertation countless times (for which I apologize to her). She has also encouraged me to make this project a far less significant part of my life (for which I apologize to no one). She has led me on many adventures (only one of which involved being rescued from the side of a mountain in a blizzard), expanded my horizons, and taught me to be a better, more loving, and more confident person. Words never will be enough to convey my gratitude, but I know finishing this darn thing is a good start.

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Introduction: Locating the Market, the State, and the Public in the Early Republic

On a summer morning in 1839, a Philadelphia official making his routine circuit through one of the city's street markets happened upon a table of suspicious-looking butter. Weighing several lumps of butter on the market scale, his doubts were confirmed—they were several ounces lighter than indicated. The market clerk returned to the vender's (or huckster's) stall and, according to one Baltimore newspaper account, proceeded to confiscate "lump after lump" in full view of the shopping public. While scenes like this were routine in the antebellum public market, what allegedly happened next was not. The huckster, an African American woman described as "an old amazon," did not appreciate the seizure or the clerk's histrionics. Rather than submit to the indignity, she turned the tables and "pounced upon the clerk like a wild cat." After a brief tussle, she had pinned him down, "and taking a lump of butter from him, greased his face, filling his mouth, ears, eyes, and nostrils." To cap off her inversion of authority, "she then plunged her hands in her butter tub, and making the lumps into one mass, vociferated, 'Now weigh my butter, if you can, puppy—and touch it, if you dare.'" Lest the columnist allow comedy to obscure the vignette's intended lesson, he opined that citizens should "mark" her "as a bold-faced swindler, who would cheat them, and flog them to boot."¹

The anecdote offers numerous avenues for interpreting society and economy in antebellum America. Set during arguably the deepest depression of the nineteenth century, the story pointed to the tribulations of men and women who eked out a precarious living along the edges of the antebellum economy. Selling from a makeshift stall outside the covered portion of the market house, the huckster's economic marginalization was

¹ *Sun* (Baltimore), Aug. 5, 1839; *Southern Patriot* (Charleston, SC), Aug. 7, 1839.

spatially reinforced. Her toil likewise embodied the myriad challenges facing women of all backgrounds to sell articles of household production in an economy that devalued female labor. Perhaps most palpably, the story highlighted African Americans' tenuous social and economic autonomy in the antebellum North, checked not only by law but also by a popular culture that mocked their aspirations and viewed their resistance as riotous. That the story was picked up by southern newspapers but did not circulate widely in local dailies suggests it was fabricated or embellished to promote a pro-slavery narrative about the dangers of abolition. Finally, there was the beleaguered market clerk, an emblem of municipal authority in a period of unsettling social and commercial transformation in cities like Philadelphia and Baltimore.²

The site where these various strands joined, the public market, provides an excellent if often overlooked vantage point for exploring the relationship between capitalism and governance in the early American republic. Citing the need for consumer protection and the potential for spatial and social disorder, eighteenth- and early-nineteenth-century urban authorities established public markets to channel the urban food trade through a few, well-policed points of access. Public markets had been central features of the American landscape and linchpins of burgeoning urban economies since the seventeenth century. Nevertheless, their place in urban political economy expanded in

² For the precarious freedom of African Americans in Philadelphia and elsewhere in the antebellum North, see Gary B. Nash and Jean R. Soderlund, *Freedom by Degrees: Emancipation in Philadelphia and Its Aftermath* (New York: Oxford University Press, 1991); Erica Armstrong Dunbar, *A Fragile Freedom: African-American Women and Emancipation in the Antebellum City* (New Haven: Yale University Press, 2008); Samuel Otter, *Philadelphia Stories: America's Literature of Race and Freedom* (New York: Oxford University Press, 2010); Shane White, "'It Was a Proud Day': African Americans, Festivals, and Parades in the North, 1741-1834," *Journal of American History* 81, no. 1 (June 1994):13-50; Leslie M. Harris, *In the Shadow of Slavery: African Americans in New York City, 1626-1863* (Chicago: University of Chicago Press, 2003); John Wood Sweet, *Bodies Politic: Negotiating Race in the American North, 1730-1830* (Philadelphia: University of Pennsylvania Press, 2003); Joanne Pope Melish, *Disowning Slavery: Gradual Emancipation and "Race" in New England, 1780-1860* (Ithaca: Cornell University Press, 2000).

the early republic, as newly minted municipal corporations acquired greater regulatory authority from state legislatures.³ After 1790, city leaders viewed public markets—along with a range of other municipal services from waterworks to wharves—as speculative civic investments that quickened commercial activity in emerging neighborhoods, promoted the city’s reputation and extended its influence, and fostered property values.⁴ Yet if public markets succeeded as forms of civic speculation, they proved ineffectual at containing and regulating commercial activity. A considerable portion of the country provisions that arrived in the city did not make it to market houses but were diverted and sold to urban consumers in any number of alternative or informal marketplaces: street corners, country roads, taverns, wharves, wagons, and shops of every shape and size

³ On public markets in colonial and early national America, see Helen Tangires, *Public Markets and Civic Culture in Nineteenth-Century America* (Baltimore: Johns Hopkins University Press, 2003); Candice L. Harrison, “The Contest of Exchange: Space, Power, and Politics in Philadelphia’s Public Markets, 1770-1859” (PhD diss., Emory University, 2008); Emma Hart, *Building Charleston: Town and Society in the Eighteenth-Century British Atlantic World* (Charlottesville: University of Virginia Press, 2010); Barbara Clark Smith, “Markets, Streets, and Stores: Contested Terrain in Pre-industrial Boston,” in *Autre Temps, Autre Espace/An Other Time, An Other Space*, eds. Elise Marienstras and Barbara Karsky (Nancy, France: Presses universitaires de Nancy, 1986), 172-197; Gergely Baics, “Feeding Gotham: A Social History of Urban Provisioning, 1780-1860” (PhD diss., Northwestern University, 2009); Thomas David Beal, “Selling Gotham: The Retail Trade in New York City From the Public Market to Alexander T. Stewart’s Marble Palace, 1625-1860” (PhD diss., SUNY-Stony Brook, 1998); Jay R. Barshinger, “Provisions for Trade: The Market House in Southeastern Pennsylvania” (PhD diss., Pennsylvania State University, 1995); Karen J. Friedmann, “Victualling Colonial Boston,” *Agricultural History* 47, no. 3 (July 1973): 189-205; Gergely Baics, “Is Access to Food a Public Good? Meat Provisioning in Early New York City, 1790-1820,” *Journal of Urban History* 39 (July 2013): 643-668; Tracey Deutsch, “Putting Commerce in Its Place: Public Markets in U.S. History” (review of Tangires, *Public Markets*), *American Quarterly* 56, no. 2 (June 2004): 481-488.

⁴ On the development of municipal power and its relationship to other sources of state authority after the 1790s, see Jon C. Teaford, *The Municipal Revolution in America: Origins of Modern Urban Government, 1650-1825* (Chicago: University of Chicago Press, 1975); Hendrik Hartog, *Public Property and Private Power: The Corporation of the City of New York in American Law, 1730-1870* (Ithaca: Cornell University Press, 1983), 69-175; Leonard P. Curry, *The Corporate City: The American City as a Political Entity, 1800-1850* (Westport, CT: Greenwood Press, 1997); Eric H. Monkkenon, *America Becomes Urban: The Development of U.S. Cities and Towns, 1780-1980* (Berkeley: University of California Press, 1988); Robin L. Einhorn, *Property Rules: Political Economy in Chicago, 1833-1872* (Chicago: University of Chicago Press, 1991); Amy Bridges, *A City in the Republic: Antebellum New York and the Origins of Machine Politics* (Ithaca: Cornell University Press, 1987); Richardson Dilworth, ed., *The City in American Political Development* (New York: Routledge, 2009); Robert M. Ireland, “The Problem of Local, Private, and Special Legislation in the Nineteenth-Century United States,” *American Journal of Legal History* 46 (2004): 271-299; Jon Teaford, “City Versus State: The Struggle for Legal Ascendancy,” *American Journal of Legal History* 17 (1973): 51-65.

throughout the city.⁵

To govern these alternative marketplaces, municipal and state authorities enacted a flurry of legislation between 1790 and 1860. Public markets anchored this vision of a well-regulated economy in the built landscape, but they were not the only or most far-reaching elements of urban political economy. Legislation weighed factors like consumer protection and the city's commercial reputation against the municipal corporation's limited financial and administrative resources. Regulations drew largely from common law doctrine, but they were not ossified or regressive. Authorities molded older regulatory instruments, particularly market, licensing, inspection, and nuisance laws, to accommodate a range of new uses in the early republic. This echoes Morton Horwitz's assertion that antebellum courts "self-consciously employed the common law as a creative instrument for directing men's energies toward social change."⁶ But whereas Horowitz viewed courts' efforts as generally promoting private property and enterprise, this dissertation joins other works in recovering the prevalence of the public good in legal

⁵ The literature on consumer culture in antebellum America is surprisingly thin, given the emphasis placed on consumerism in the periods bookending it. For a recent work that addresses this gap, see Wendy A. Woloson, "Wishful Thinking: Retail Premiums in Mid-Nineteenth-Century America," *Enterprise & Society* 13, no. 4 (2012): 790-831. The landscape is even sparser for antebellum consumer politics, though this is beginning to change. See for instance Ellen Hartigan-O'Connor, "'Auctioneer of Offices': Patronage, Value, and Trust in the Early Republic Marketplace," *Journal of the Early Republic* 33, no. 3 (Fall 2013): 466-467; Joanna Cohen, "'The Right to Purchase Is as Free as the Right to Sell': Defining Consumers as Citizens in the Auction-house Conflicts of the Early Republic," *Journal of the Early Republic* 30, no. 1 (Spring 2010): 25-62; Cohen, "'Millions of Luxurious Citizens': Consumption and Citizenship in the Urban Northeast, 1800-1865" (PhD diss., University of Pennsylvania, 2009).

⁶ Morton J. Horwitz, *The Transformation of American Law, 1780-1860* (Cambridge: Harvard University Press, 1977), 1. See also Kunal M. Parker, *Common Law, History, and Democracy in America, 1790-1900: Legal Thought before Modernism* (Cambridge: Cambridge University Press, 2011); Kermit L. Hall, "The Courts, 1790-1920," in *The Cambridge History of Law in America: Volume 2*, eds. Michael Grossberg and Christopher Tomlins (Cambridge: Cambridge University Press, 2008): 106-132; Tony A. Freyer, "Legal Innovation and Market Capitalism, 1790-1920," in Grossberg and Tomlins, *Cambridge History of Law*, 449-482; Donald J. Pisani, "Promotion and Regulation: Constitutionalism and the American Economy," *Journal of American History* 74, no. 3 (Dec. 1987): 740-768; William E. Nelson, *Americanization of the Common Law: The Impact of Legal Change on Massachusetts Society, 1760-1830* (Cambridge: Harvard University Press, 1975); Christopher L. Tomlins, *Law, Labor, and Ideology in the Early American Republic* (Cambridge: Cambridge University Press, 1993).

and popular discourse. Exploding the myth that antebellum America was a laissez-faire society governed by a weak state, William Novak and other scholars of American political development have pointed to the “extraordinary breadth and variety” of local and state laws as evidence of “a strong regulatory tradition” that ensured public good trumped private interest.⁷

It is readily evident from a glance at city ordinances from the 1790s to 1850s that there indeed was an unflagging, even escalating, commitment to regulating the urban economy. But the annually published digests of ordinances and statutes obscure as much as they illuminate about the nature of regulation on the ground.⁸ Ordinances represented

⁷ Pointing to the need to “rethink the early American state,” Novak, Richard John, and others view the groundswell of local and state laws as evidence of the legislature’s importance as a locus of antebellum state authority, countering Horwitz, among others, who considers the courtroom as the central site of antebellum law. This dissertation follows, in part, from Novak’s call to explore “the interconnections between formal legislatures and other lesser legislating bodies that allowed for a high degree of coordination, standardization, and integration in the early American state irrespective of court action or party politics.” William J. Novak, “A State of Legislatures,” *Polity* 40, no. 3 (July 2008): 343; Richard R. John, “Rethinking the Early American State,” *ibid.*, 332-339. See also Brian Balogh, *A Government Out of Sight: The Mystery of National Authority in Nineteenth-Century America* (Cambridge: Cambridge University Press, 2009); Mark R. Wilson, “Law and the American State, from the Revolution to the Civil War: Institutional Growth and Structural Change,” in Grossberg and Tomlins, *Cambridge History of Law*, 1-35; Richard R. John, “Governmental Institutions as Agents of Change: Rethinking American Political Development in the Early Republic, 1787-1835,” *Studies in American Political Development* 11 (1997): 347-380; William J. Novak, “The Myth of the ‘Weak’ American State,” *American Historical Review* 113, no. 2 (2008): 752-772; Ira Katznelson, “On Rewriting the Epic of America,” in *Shaped by War and Trade: International Influences on American Political Development*, eds. Ira Katznelson and Martin Shefter (Princeton: Princeton University Press, 2003): 3-23; Jeffrey L. Pasley, Andrew W. Robertson, and David Waldstreicher, eds., *Beyond the Founders: New Approaches to the Political History of the Early American Republic* (Chapel Hill: University of North Carolina Press, 2004). For two classic works that portray the antebellum state as weak or decentralized, see James Willard Hurst, *Law and the Conditions of Freedom in the Nineteenth-Century United States* (Madison: University of Wisconsin Press, 1956); Louis Hartz, *The Liberal Tradition in America* (New York: Harcourt, 1955). For a work that situates these works in a broader context, see James T. Kloppenberg, “In Retrospect: Louis Hartz’s *The Liberal Tradition in America*,” *Reviews in American History* 29, no. 3 (2001): 460-476. For earlier, “Progressive school” works on the active role of the state in economic development, and which have influenced the more recent recovery of a “strong regulatory tradition,” see Oscar Handlin and Mary Flug Handlin, *Commonwealth: A Study of the Role of Government in the American Economy: Massachusetts, 1774-1861*, rev. edn. (Cambridge: Harvard University Press, 1969); Louis Hartz, *Economic Policy and Democratic Thought: Pennsylvania, 1776-1860* (Cambridge, MA: Harvard University Press, 1948).

⁸ Laura Edwards has developed a similar argument regarding the proliferation of legal compilations in the 1840s and 1850s, which attributed an appearance of uniformity and authority to the law: “The resulting volumes were not just compilations of facts. They forced existing laws into a unitary body, creating the impression of orderly progress over time.” Laura F. Edwards, *The People and Their Peace: Legal Culture*

just one step in a legal continuum, situated between petitions, which most often initiated the process of drawing up and voting on an ordinance, and enforcement in the streets and courts. Moreover, there was more room for maneuvering—for gray areas between licit and illicit—than the text of the ordinances suggested. The multiplicity of social practices and identities that constituted the antebellum city was not so easily categorized or policed by these ordinances, as Hendrik Hartog has shown. In his example, laws prohibiting pigs from roaming New York City streets ran up against the entrenched custom of treating streets as an urban commons, particularly in working-class neighborhoods at the edges of settlement. New York’s city council passed a steady stream of revised and new ordinances, with little effect. It was not until the cholera epidemic of 1849, thirty or forty years after they were first passed, that these laws were enforced with regularity.⁹ Attempts to remove pigs and other purported nuisances from Philadelphia and Baltimore streets were similarly protracted and disputed, as petitions from the 1840s and 1850s show.

Petitions provide a unique window onto popular constructions of law and the economy. While “petitioning has a notably discontinuous history,” according to one scholar, the early republic witnessed a surge in petitioning as a form of political engagement. The most notable and dramatic use of petitioning occurred when female antislavery activists circulated memorials to Congress, collecting over three million signatures between 1831 and 1863 and prompting proslavery politicians to declare the

and the Transformation of Inequality in the Post-Revolutionary South (Chapel Hill: University of North Carolina Press, 2009), 39.

⁹ Hendrik Hartog, “Pigs and Positivism,” *Wisconsin Law Review* (July/August 1985): 899-935. For a more recent work that places this contest in its political context, see Catherine McNeur, “The ‘Swinish Multitude’: Controversies Over Hogs in Antebellum New York City,” *Journal of Urban History* 37, no. 5 (Sept. 2011): 639-660. See also Robert W. Gordon, “Critical Legal Histories,” *Stanford Law Review* 36 (Jan. 1984): 57-125.

infamous gag rule in the late 1830s. This well-known example formed only a part of the wider political culture of petitioning in the late-eighteenth- and early-nineteenth-century Atlantic world. Petitions provided men and, in particular, women a means to insert themselves in public debate and communicate not only with politicians but also with one another. Writing about the post-Revolutionary period, another historian has observed that “petitioners chose increasingly forthright language” in their appeals to legal bodies, “reveal[ing] their impatience at governmental delay or neglect,” especially in matters of economic significance. Edmund Morgan noted, more circumspectly, that petitioning was often a rote exercise, an act of “ventriloquism.” Still, it “nourished the fiction of the people’s capacity to speak for themselves.”¹⁰

At the extremely local level, however, petitions nourished far more than a fiction. Petitions not only gave ordinary people a vehicle for articulating their expectations of authorities but also captured their economic and political worldviews in their own language—whether formulaic or not. Petitioning constituted a civic dialogue about the appropriate uses of public space, the legitimate sphere of governmental activity, and the meanings of fair competition and free trade. The active process of petitioning—going from door to door or market stall to market stall for signatures, writing up counter-

¹⁰ Colin Leys, “Petitioning in the Nineteenth and Twentieth Centuries,” *Political Studies* 3, no. 1 (1955): 45; Ruth Bogin, “Petitioning and the New Moral Economy of Post-Revolutionary America,” *William and Mary Quarterly*, 3rd ser., vol. 45, no. 3 (Jul. 1988): 420; Edmund S. Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America* (New York: W. W. Norton & Co., 1988), 230. For insight into the politics of petitioning in the antislavery movement, see Susan Zeske, *Signatures of Citizenship: Petitioning, Antislavery, & Women’s Political Identity* (Chapel Hill: University of North Carolina Press, 2003). See also the entries for “Petition (in U.S. History)” and “Petition, Right of” in *Cyclopaedia of Political Science, Political Economy, and the Political History of the United States*, ed. John J. Lalor (Chicago, 1884), 3: 167-173. On the longer history of the constitutional right to petition and debates regarding who held this right, see Gregory A. Mark, “The Vestigial Constitution: The History and Significance of the Right to Petition,” *Fordham Law Review* 66, no. 6 (1998): 2153-2231; Stephen A. Higginson, “A Short History of the Right to Petition Government for the Redress of Grievances,” *Yale Law Review Journal* 96 (1986): 142-166. For colonial petitioning practices, see Raymond C. Bailey, *Popular Influence upon Public Policy: Petitioning in Eighteenth-Century Virginia* (Westport, CT: Greenwood Press, 1979).

petitions, and delivering the document to city leaders—constituted a vital, if overlooked, aspect of the political life of antebellum cities. They were thoroughly political documents, from the way in which the petitioners identified themselves at the outset (as property owners, longtime residents, widows, and so forth) to their signatures, which ranged from one or two to several thousand. More demonstrably, petitions shaped legislative agendas. City councils waded through hundreds of petitions annually, a large portion of which requested or proposed specific regulatory action. Some simply asked to be allowed to place an awning over the sidewalk in front of their storefront. Others called for modifications in how coal was measured at public weigh houses or where bacon vendors were allowed to sell. Still others used their petitions to pivot from a critique of specific policies to a more thorough analysis of social and economic inequalities produced or reinforced by the law. Authorities read and deliberated about all of them.

Alongside the replies and reports of countless city officials, the several thousand antebellum petitions preserved in Baltimore’s exceptional municipal archives exhibit the workings of a vernacular political economy—the civic economy. The civic economy resembles William Novak’s conception of the public economy as “the rules by which the people would acquire and exchange food and goods,” which were based on “fair dealing, fair price, [and] honest labor.”¹¹ But the civic economy pushes this model further to consider how men and women, acting out of self-interest or self-preservation, manipulated the rules of exchange. Some did so simply by disregarding the rules, but

¹¹ William J. Novak, *The People’s Welfare: Law & Regulation in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 1996), 1, 95; Novak, “Public Economy and the Well-ordered Market: Economic Regulation in 19th-Century America,” *Law & Social Inquiry* 18, no. 1 (Winter 1993): 1-32; Novak, “Law, Capitalism, and the Liberal State: The Historical Sociology of James Willard Hurst,” *Law & History Review* 18, no. 1 (2000): 97-145; Novak, “Law and the Social Control of American Capitalism,” *Emory Law Journal* 60, no. 2 (2010): 377-405.

most worked through the law to enact their own understanding of a well-regulated marketplace. Politics and power suffused the civic economy, often in the guise of the public good—an increasingly malleable concept in a period where the social and spatial boundaries of the public were fluid, disputed, and vigorously patrolled.¹² Likewise, the civic economy acknowledges the various motivations of authorities charged with the responsibility of mediating the people's competing claims to the urban marketplace and its regulation. Beyond its implications for the study of the state in antebellum America, focusing on the civic economy yields new insights into the kaleidoscopic urban marketplace.

Above all, the civic economy embodied antebellum Americans' ambivalence towards capitalism. This ambivalence has been well documented, parsed, and debated.¹³

¹² Mary P. Ryan, *Civic Wars: Democracy and Public Life in the American City during the Nineteenth Century* (Berkeley: University of California Press, 1997); Mary P. Ryan, *Women in Public: Between Banners and Ballots, 1825-1880* (Baltimore: Johns Hopkins University Press, 1990); Barbara Young Welke, *Law and the Borders of Belonging in the Long Nineteenth Century United States* (Cambridge: Cambridge University Press, 2010); John D. Fairfield, *The Public and Its Possibilities: Triumphs and Tragedies in the American City* (Philadelphia: Temple University Press, 2010).

¹³ The literature on American capitalism in the long nineteenth century is vast and rich. Good, recent starting points include Michael Zakim and Gary J. Kornblith, eds., *Capitalism Takes Command: The Social Transformation of Nineteenth-Century America* (Chicago: University of Chicago Press, 2012); Seth Rockman, *Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore* (Baltimore: Johns Hopkins University Press, 2009); Jonathan Levy, *Freaks of Fortune: The Emerging World of Capitalism and Risk in America* (Cambridge: Harvard University Press, 2012); Walter Johnson, *River of Dark Dreams: Slavery and Empire in the Cotton Kingdom* (Cambridge: Belknap, 2013). For standard works on the rise of capitalism in rural America, see Christopher Clark, *The Roots of Rural Capitalism: Western Massachusetts, 1780-1860* (Ithaca: Cornell University Press, 1990); Michael Merrill, "Cash is Good to Eat: Self-Sufficiency and Exchange in the Rural Economy of the United States," *Radical History Review* 3 (Winter 1977): 42-71; James A. Henretta, "Families and Farms: Mentalité in Pre-Industrial America," *William and Mary Quarterly* 35 (January 1978): 3-32; Stephen Hahn and Jonathan Prude, eds. *The Countryside in the Age of Capitalist Transformation: Essays in the Social History of Rural America* (Chapel Hill: University of North Carolina Press, 1985). For the urban side of the story, see Sean Wilentz, *Chants Democratic: New York City and the Rise of the American Working Class, 1788-1850* (New York: Oxford University Press, 1984); Mary Ryan, *Cradle of the Middle Class: The Family in Oneida County, New York, 1790-1865* (Cambridge: Cambridge University Press, 1983); Karen Halttunen, *Confidence Men and Painted Women: A Study of Middle-Class Culture in America, 1830-1870* (New Haven: Yale University Press, 1982); Christine Stansell, *City of Women: Sex and Class in New York, 1790-1860* (Urbana: University of Illinois Press, 1987); William Cronon's *Nature's Metropolis: Chicago and the Great West*. (New York: Norton, 1991); Paul E. Johnson, *A Shopkeeper's Millennium: Society and Revivals in Rochester, New York, 1815-1837* (New York: Hill and Wang, 1978). For somewhat dated but still useful general syntheses of the

As a recent volume puts it, “it was far from obvious” to antebellum observers “that a system of profitmaking based on the perpetual movement of goods and persons could possibly serve as the foundation of public order and stable government.”¹⁴ It is notable that none of the documented petitions employed the term “capitalism,” and only a few referred to more commonly used concepts like free trade in the 1840s and 1850s. Read one way, this elision lends credence to the “market revolution” thesis, which contends there was a viral strain of anti-capitalism that persisted until at least the Civil War. In this interpretation, “democracy was born in tension with capitalism,” which increasingly came to exert a hegemonic force over all aspects of life between 1815 and 1860. Moreover, the language of the petitions would seem to indicate the continuing force of moral economy in American society. Appeals to custom, tradition, and just prices, calls to root out conspiratorial middlemen, and claims to the street and market house as urban commons all were routine in antebellum petitions.¹⁵

debates on the emergence of capitalism in early America, see Michael Merrill, “Putting ‘Capitalism’ in Its Place: A Review of Recent Literature,” *William and Mary Quarterly* 52, no. 2 (April 1995): 315-326; Allan Kulikoff, “The Transition to Capitalism in Rural America,” *William and Mary Quarterly*, 3^d ser., vol. 46, no. 1 (Jan. 1989): 120-144; Gordon S. Wood, “The Enemy is Us: Democratic Capitalism in the Early Republic,” in *Wages of Independence: Capitalism in the Early American Republic*, ed. Paul A. Gilje (Madison: Madison House, 1997), 137-153. See also the review essay in Andrew Shankman, *The Crucible of American Democracy: The Struggle to Fuse Egalitarianism & Capitalism in Jeffersonian Pennsylvania* (Lawrence: University Press of Kansas, 2004), 225-246.

¹⁴ Zakim and Kornblith, “An American Revolutionary Tradition,” in Zakim and Kornblith, *Capitalism Takes Command*, 1; Joyce Appleby, *The Relentless Revolution: A History of Capitalism* (New York: Norton, 2010). For social and moral authorities’ attempts to establish order in the marketplace, see Jeffrey Sklansky, *The Soul’s Economy: Market Society and Selfhood in American Thought, 1820-1920* (Chapel Hill: University of North Carolina Press, 2002); Amy Dru Stanley, *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation* (Cambridge, UK: Cambridge University Press, 1998); David Montgomery, *Citizen Worker: The Experience of Workers in the United States with Democracy and the Free Market During the Nineteenth Century* (Cambridge, UK: Cambridge University Press, 1993), 52-114; Edward J. Balleisen, *Navigating Failure: Bankruptcy and Commercial Society in Antebellum America* (Chapel Hill: University of North Carolina Press, 2001).

¹⁵ Charles Sellers, *The Market Revolution: Jacksonian America, 1815-1846* (New York: Oxford University Press, 1991), 32. On moral economy in America, see Barbara Clark Smith, “Food Rioters and the American Revolution,” *William and Mary Quarterly*, 3^d ser., vol. 51, no. 1 (Jan. 1994): 3-38; Harry L. Watson, “‘The Common Rights of Mankind’: Subsistence, Shad, and Commerce in Early Republican South,” *Journal of American History* 83, no. 1 (June 1996): 13-43; Jason M. Opal, “Enterprise and Emulation: The Moral

This dissertation offers another interpretation of petitioners' economic vocabulary. It views petitions as part of a broader civic contest over what capitalism meant in practice. Without discounting the influence of the urban middle classes and elite—whose paternalism and property interests powerfully shaped the contours of this contest—this dissertation employs its unique body of sources to show how poorer urban residents articulated more democratic visions of capitalism. Through the civic economy, thousands of urban residents sought to justify and carve out space for an informal marketplace of goods. As Seth Rockman and others have shown, plebeian economic activities often straddled cultural and legal distinctions between licit and illicit, facilitating an insecure but potentially profitable economic landscape for men and women with ambition and resourcefulness, if not resources. To counter abstract forces beyond their control and the vagaries of daily life, poor men and women collaborated in shopping networks, pooled resources, bartered, negotiated, and exercised creativity in ways that blurred neat categories of legitimate and illegitimate consumption. These men and women loosened the boundaries of legitimate commerce and provide a compelling illustration that antebellum capitalism did not operate under its own power but rather was fashioned by numerous visible hands. Formal and informal markets not only shaped but more often collapsed into one another.¹⁶

Economy of Turnpikes in Early National New England,” *Early American Studies* 8, no. 3 (Fall 2010): 623-645. On the market revolution, see Melvin Stokes and Stephen Conway, eds., *The Market Revolution in America, 1800-1880* (Charlottesville: University of Virginia Press, 1996); John Lauritz Larson, *The Market Revolution in America: Liberty, Ambition, and the Eclipse of the Common Good* (Cambridge: Cambridge University Press, 2010). For works that counter the market revolution thesis, see Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (New York: Oxford University Press, 2007); Jack P. Greene, *Pursuits of Happiness: The Social Development of Early Modern British Colonies and the Formation of American Culture* (Chapel Hill: University of North Carolina Press, 1988).

¹⁶ On informal economies in early America, see Rockman, *Scraping By*; Wendy A. Woloson, *In Hock: Pawning in America from Independence through the Great Depression* (Chicago: University of Chicago Press, 2009); Stephen Mihm, *A Nation of Counterfeiters: Capitalists, Con Men, and the Making of the*

A focus on the civic economy also highlights the importance of space to antebellum understandings of capitalism. Historians' attempts to interpret this spatial logic typically begin and end with the antebellum achievement of "annihilating space and time" via the railroad. And it will be seen that the railroad, along with other revolutions in transportation and communication, did play a transformative role in the civic economy. In particular, the desire to make the city "a mere place of transit" reframed the imperatives of urban governance to facilitate the unimpeded movement of people, goods, and capital. Cities competed with one another to capture the greatest market share, which urban boosters quantified not only in terms of bushels and dollars but also in terms of geographic reach and the speed with which certain commodities traveled from rural producers to the city.¹⁷

United States (Cambridge, MA: Harvard University Press, 2007); Ellen Hartigan-O'Connor, *The Ties That Buy: Women and Commerce in Revolutionary America* (Philadelphia: University of Pennsylvania Press, 2009); Serena Zabin, *Dangerous Economies: Status and Commerce in Imperial New York* (Philadelphia: University of Pennsylvania Press, 2009); Dylan Penningroth, *The Claims of Kinfolk: African American Property and Community in the Nineteenth-Century South* (Chapel Hill: University of North Carolina Press, 2003), 45-78; Betty Wood, *Women's Work, Men's Work: The Informal Slave Economies of Lowcountry Georgia* (Athens: University of Georgia Press, 1995). I develop these ideas further in "The Promiscuous Economy: Cultural and Commercial Geographies of Secondhand in the Antebellum City," in *Capitalism by Gaslight: Illuminating the Economy of Nineteenth-Century America*, eds. Brian P. Luskey and Wendy A. Woloson (Philadelphia: University of Pennsylvania Press, forthcoming). For useful works that explore the development of informal economic networks outside the period and places in question, see Beverly Lemire, *The Business of Everyday Life: Gender, Practice and Social Politics in England, c. 1600-1900* (Manchester, UK: Manchester University Press, 2005); Penelope Lane, "Work on the Margins: Poor Women and the Informal Economy of Eighteenth and Early Nineteenth-Century Leicestershire," *Midland History* 22 (1997): 85-99; Laurence Fontaine, ed., *Alternative Exchanges: Second-Hand Circulations from the Sixteenth Century to the Present* (New York: Berghahn, 2008); Alejandro Portes, Manuel Castells, and Lauren A. Benton, eds., *The Informal Economy: Studies in Advanced and Less Developed Countries* (Baltimore: Johns Hopkins University Press, 1989).

¹⁷ David H. Schley, "Making the Capitalist City: The B&O Railroad and Urban Space in Baltimore, 1827-1877" (PhD diss., Johns Hopkins University, 2013). For recent works that examine the spaces and spatial logic of antebellum capitalism, see A. K. Sandoval-Strausz, "Spaces of Commerce: A Historiographic Introduction to Certain Architectures of Capitalism," *Winterthur Portfolio* 44, no. 2/3 (Summer/Autumn 2010): 143-158; Johnson, *River of Dark Dreams*. For a brief but powerful meditation on the railroad and experiences of space and time, see Wolfgang Schivelbusch, "Railroad Space and Railroad Time," *New German Critique* 14 (Spring 1978), 31-40. On the influence of the spatial turn on urban history and capitalism, see Timothy J. Gilfoyle, "White Cities, Linguistic Turns, and Disneylands: The New Paradigms of Urban History," *Reviews in American History* 26 (1998); Simon Gunn, "The Spatial Turn: Changing

For most operating in the civic economy, however, there were more immediate and prosaic ways of interpreting the geographies of capitalism. Petitions often dealt with how to allocate space in the urban marketplace: who could access market stalls, how far into the sidewalk shopkeepers could advertise their products, which streets were suitable for omnibuses, and so forth. The market was as much a space as a process, and as such it required the careful orchestration of how people and things moved through it. Authorities and residents alike framed most urban problems and solutions as matters of circulation and mobility. They inherited conceptual frameworks from eighteenth-century city fathers, who saw government, according to Michel Foucault, as “a matter of organizing circulation, eliminating its dangerous elements, making a division between good and bad circulation, and maximizing the good circulation by diminishing the bad.”¹⁸ The fact that much of what was circulating was food only heightened the perceived need for supervision. As late as 1856, Philadelphia officials declared responsibility for regulating “the sale of that most important object of trade—the food of the million.” With the urban food supply becoming progressively mediated, however, questions of public health played an ever more central role in the civic economy. As food traveled greater distance, a revised understanding of the market’s scale emerged to accommodate this spatial and

Histories of Space and Place” in *Identities in Space: Contested Terrains in the Western City since 1850*, eds. Simon Gunn and Robert J. Morris (Burlington, VT: Ashgate, 2001): 1-14.

¹⁸ Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977-1978* (New York: Picador, 2007), 18. See also Patrick Joyce, *The Rule of Freedom: Liberalism and the Modern City* (London: Verso, 2003), 80-88. For works that explore urban form and regulation with a particular emphasis on circulation, see Dell Upton, *Another City: Urban Life and Urban Spaces in the New American Republic* (New Haven: Yale University Press, 2008); David M. Henkin, *City Reading: Written Words and Public Spaces in Antebellum New York* (New York: Columbia University Press, 1998); Carl Smith, *Urban Disorder and the Shape of Belief: The Great Chicago Fire, the Haymarket Bomb, and the Model Town of Pullman* (Chicago: University of Chicago Press, 1995); Diane Shaw, *City Building on the Eastern Frontier: Sorting the New Nineteenth-Century City* (Baltimore: Johns Hopkins University Press, 2004); Lisa C. Tolbert, *Constructing Townscapes: Space and Society in Antebellum Tennessee* (Chapel Hill: University of North Carolina Press, 1999).

psychic distance.¹⁹

This dissertation “locates” the market, the state, and the public in two of antebellum America’s three largest cities, Baltimore and Philadelphia. There are several advantages to focusing on these two cities beyond their rich and complementary source materials. First, they illustrate the localized nature of regulation. Scholarship on regulation typically takes one of two forms. One generalizes from a specific locale—usually New York, which, though influential, was no more representative of antebellum cities than any other (and in fact was highly unusual given its Dutch roots).²⁰ The other draws upon a number of state or city case studies, which offers the benefit of a more comprehensive study but does so at the expense of local particularities and richer context. By examining two locations in depth, this dissertation endeavors to scale between the local and the general. The recent work of Laura Edwards on localized legal cultures in antebellum North and South Carolina provides a compelling illustration of the benefits in studying two places side-by-side, in conversation if not in direct comparison. Just as this approach enables Edwards to paint a detailed portrait of the struggles to enact a more centralized, top-down legal culture in the Carolinas, juxtaposing Baltimore and Philadelphia reveals more complex historical trajectories of regulation and capitalism than a study of either city in isolation would offer.²¹

Second, the two cities provide a clear illustration of the role of urban rivalry in shaping the civic economy. As the two principal cities of the Mid-Atlantic, inhabiting the

¹⁹ Appendix No. 92 (Mayor’s Message), *Journal of the Common Council of Philadelphia, 1855-1856* (Philadelphia, 1856), 398.

²⁰ This is not to suggest that many historians are not sensitive to the particularities of the New York case. See for instance Elizabeth Blackmar, *Manhattan for Rent, 1785-1850* (Ithaca, NY: Cornell University Press, 1989); Hartog, *Public Property*.

²¹ Edwards, *People and Their Peace*.

same Susquehanna watershed, they took pains to compare not only their export and population statistics but also the cleanliness of their public markets, the brightness of their apples, and even the vocal range of their street criers. Authorities in both cities employed regulation not only to preserve order but also to create economic advantage.²² Yet they also learned how to govern from each other. Following the incorporation of Philadelphia in 1789 and Baltimore in 1797, city officials frequently communicated, requesting assistance in locating runaways or counterfeiters, sharing insight about the benefits and drawbacks of certain municipal reforms, and exchanging gratis copies of published city ordinances. To be sure, there were decided differences in the social and economic life of the two cities, none more palpable than the fact that antebellum Baltimore was home to several thousand slaves while Philadelphia had none. Nevertheless, as two cities that experienced many of the same effects of rapid urbanization and commercialization between 1790 and 1860, their civic economies possessed more commonalities than differences. Moreover, the presence of these commonalities serves to make the differences all the more illuminative of the range of possibilities within the broader process of capitalist transformation.

“Civic Economies” takes an out-and-back journey through the urban marketplace. It begins in Chapter One with the public market and charts the various ways in which Philadelphia and Baltimore literally and figuratively drew nourishment from the institution. As nodes around which city neighborhoods grew in population and in business activity, public markets influenced the pace and character of urban development.

²² On competition between the two cities, see James Weston Livingood, *The Philadelphia-Baltimore Trade Rivalry, 1780-1860* (Harrisburg: Pennsylvania Historical and Museum Commission, 1947).

Recognizing this, residents waged petition battles over the exact placement of new market houses and the management of existing ones. City lawmakers also understood the significance of these spaces for providing fresh and fairly priced food for the people, as well as for increasing property value. Consequently, they exerted great time, effort, and cost in regulating public markets. A well-ordered system of market houses not only made for a healthy civic body but also enabled the city to draw more farmers and products to the city. Situated at either end of a fertile agricultural region, Baltimore and Philadelphia (as well as other cities, from New York to Norfolk) competed for the best produce and lowest prices, prompting city promoters to view public markets in the same light as other agents of urban imperialism, including the railroad. Yet by the 1830s, some critics viewed public markets as out of sync with the imperatives of capitalism—particularly in the municipal market system’s emphasis on managing and containing the circulation of people and produce—as well as the evolving urban landscape.

Chapter Two moves outward from the public market to consider licensing, which served as a gatekeeping mechanism for the broader urban marketplace. Characterized by some scholars as little more than a means of raising revenue and by others as a form of social control, licensing occupied a prominent place in antebellum debates over the role of the state in regulating society and trade. This chapter places the political agitation over liquor licensing into a broader context of disputes over what privileges a license entailed, how licenses were distinct from taxes, and whether a license conferred legitimacy or not. Retailers of nearly every description were required to take out a license in the antebellum period, particularly in Maryland, which passed the most robust license laws in the nation in the 1820s. For some, taking out a license simply meant paying an annual fee to cover

the presumed public costs of their regulation. For those in trades deemed dangerous to public morals or health (intentionally elastic designations), it required paying costly fees and proving good character in court. While auctioneers and shopkeepers saw licenses as a tax or economic regulation, poorer tradespeople often experienced them as moral regulations that limited geographic and social mobility. If licensing became a more passive and liberal instrument of governance for “respectable” trades by the 1830s and 1840s, the opposite was true for trades viewed as operating in the shadows, such as pawnbroking and tavernkeeping.

Licensing represented one of the most malleable regulatory instruments at the disposal of city and state authorities, but product inspection was the most ambitious, as Chapter Three shows. Between the 1790s and 1820s, Philadelphia and Baltimore authorities crafted legislation that established stringent product standards in order to promote their cities’ reputations in an expanding global economy. Their efforts were encapsulated in the municipal brand, the mark that official inspectors placed (or did not place) on the barrels of flour, corn, beef, fish, potash, and other commodities that coursed through the ports. The inspection system sought to give local and state authorities control over the entire commodity chain, from harvest to hearth. The effects of inspection were not borne equally throughout the chain, and artisans, farmers, and laborers frequently bemoaned the various costs they incurred. Indeed, many obstacles remained to standardizing commodities and their producers, not least of which was the fact that the inspection system required space and time, two increasingly scarce entities in the urban marketplace. With the rise of new means of transportation, merchants who long had supported efforts to promote the municipal brand soon called for the elimination of

impediments to the rapid and indiscriminate circulation of commodities through the city, citing the imperatives of free trade and competitive advantage. Local and state inspection systems collapsed swiftly in the late 1840s and early 1850s, as city leaders established free trade zones that encouraged transshipment. Meanwhile, merchants began to institute their own standards to lend order to the global flow of commerce, replacing the municipal brand with the merchant's brand.

Returning from the wharf to the neighborhood, Chapter Four explores the poor men and women who insinuated themselves into the daily operations of the urban economy. Articulating between city and countryside, as well as between different neighborhoods in the city, hucksters performed crucial functions in supplying urban consumers with basic provisions. Their mobility, which enabled them to mediate between rural producers and urban consumers, provoked heated debate over whether these men and women were vital ligaments in a rapidly expanding commercial society or parasites that paid no rent and preyed on the public. Authorities found themselves alternately unwilling and unable to prevent huckstering, whether out of a sense of patriarchal benevolence or recognition of the limitations of public markets. As a result, what few ordinances were passed restricting hucksters seldom were enforced—and when they were, as in the purported butter tale that opened this introduction, they frequently met with vigorous defenses of huckster autonomy. That did not mean huckstering went unregulated, only that social authorities did the policing. For an emerging middle class, hucksters were targets for broader anxieties about the dominance of intermediaries in the national market economy and the disordering of urban space. Hucksters' mixed social composition influenced middle- and upper-class perceptions of their activities as uncouth,

promiscuous, and utterly unproductive. Yet the huckster vision of capitalism—where convenience was a commodity and the entire city was an unbounded bazaar—powerfully shaped the retail geography that emerged in the 1850s.

Chapter Five concludes with the destruction of a public market—Philadelphia’s 170-year-old High Street Market, to be precise—and the uneven rise of the liberal city and its emphasis on free circulation. By the 1850s, municipal authorities faced what they viewed as a problem of scale: how to govern an increasingly populous, diverse, and sprawling city. It appeared to social and political leaders that well-established mechanisms for ensuring public order were failing, evidenced by a surge in popular violence, immorality, and illicit commerce. One proposed solution, which has been widely studied, was the growth and professionalization of urban policing. The proliferation of uniformed policemen, however, was but one facet of a larger project to remake the city as a modern, self-governing, and above all orderly system of circulation. The concept of public convenience eclipsed the public good as the driving force behind efforts to facilitate the free movement of people and goods through the city. Taking on new financial burdens and imposing new taxes, municipal authorities expanded urban services from water and sewerage to street lighting and firefighting. Philadelphia lawmakers attempted to do the same with the city’s public market system, but their efforts stalled. In place of the municipal market system emerged a private food economy that prioritized convenience and freedom of movement over consumer protection. Public markets remained features of the urban landscape in both cities, but their influences as spaces of economy and governance waned while their role as civic centers persisted.

By 1860, then, the civic economy had evolved dramatically, if not in a unilinear

fashion. The rise of the liberal city did not eliminate more vernacular understandings of urban political economy, which was characterized by a human-scale understanding of capitalism and markets—with a focus on market houses, street corners, and neighborhoods. But as the conflicts over inspection and High Street Market, in particular, illustrate, there was another form of capitalism that subsumed these vernacular, localized constructions. Industrial-scale capitalism—with its emphasis on global networks, rapid and cheap transportation, and high degree of capitalization—exerted increasing influence over the civic economy in the 1850s and beyond.

Chapter 1: Marketing Place and Space

The market represented many things to many people in antebellum America. “The name market is a very common one found in nearly all the principal cities and towns—I may say—in the Universe,” nineteenth-century butcher-historian Thomas De Voe wrote. There were money markets, cattle markets, cotton markets, and produce markets. Moreover, each city was its own market, holding sway over the products and producers of its hinterlands. As transportation and communications revolutions obliterated previous constraints of time and space, newspapers breathlessly recorded commodity prices and trends under headlines of “The Baltimore Market” or “Philadelphia’s Market.” The above-mentioned revolutions likewise facilitated the development of a more abstract understanding of the market as a process, divorced from the market as a place. Despite the proliferation of “markets,” however, most nineteenth-century Americans understood the market as a physical space, or as De Voe put it, “a mart, where merchants meet who traffic in all kinds of provisions”—a *public* market.¹

The early-nineteenth-century public market was not simply a physical vessel for an assortment of economic and social transactions. It anchored a vernacular understanding of urban political economy that was both durable and fraught. The market house was the physical embodiment of the civic economy, a crucible of exchange and

¹ Thomas De Voe, “Public Markets of Philadelphia” (manuscript, ca. 1860s-1880s), New-York Historical Society. David Montgomery and others have made similar observations about the malleability of “the market” in nineteenth-century lexicon, but they elide the way many Americans still understood the term, as a physical space. Montgomery, *Citizen Worker: The Experience of Workers in the United States with Democracy and the Free Market During the Nineteenth Century* (Cambridge, UK: Cambridge University Press, 1993), 52.

cooperation as well as deception and discord.² As the interface between city and countryside, the market house underscored the interdependence of urban and rural consumers and producers. But the market house also reproduced the political and social tensions arising from the increased commercialization of agricultural production. This was evident whenever city and state lawmakers came to an impasse over market regulations, butchers and farmers challenged one another's claims to market stalls, farmers sold their produce to faraway merchants, and customers complained to vendors about rising prices and declining quality. As hubs of both retail and wholesale trade, public markets also operated within different registers of exchange—they were intensely local institutions, but they were also spaces of regional and global commerce. This, too, produced disagreement over which types of commercial activity should be prioritized or even permitted in the public market—that which sustained the immediate neighborhood or that which promoted the city or region's economic position vis-à-vis its competitors.

To manage the public market and its myriad uses and meanings, the municipal corporation devoted considerable effort in crafting legislation, maintaining the physical infrastructures of the market system, and mediating the public's conflicting claims to the space.

As an instrument of governance, the public market provided a coherent object of regulation, concentrating a number of potentially problematic activities in a well-defined space. Or that was the idea, at least. Indeed, the notion of a spatially and temporally

² Helen Tangires, *Public Markets and Civic Culture in Nineteenth-Century America* (Baltimore: Johns Hopkins University Press, 2003); Candice L. Harrison, "The Contest of Exchange: Space, Power, and Politics in Philadelphia's Public Markets, 1770-1859" (PhD diss., Emory University, 2008); Winifred Barr Rothenberg, *From Market-Places to a Market Economy: The Transformation of Rural Massachusetts, 1750-1850* (Chicago: University of Chicago Press, 1992), 82-89; Barbara Clark Smith, "Markets, Streets, and Stores: Contested Terrain in Pre-industrial Boston," in *Autre Temps, Autre Espace/An Other Time, An Other Space*, eds. Elise Marienstras and Barbara Karsky (Nancy, France: Presses universitaires de Nancy, 1986), 172-197.

bounded marketplace—captured in the phrase, “within the limits of the market”—was problematic in a commercial society predicated on the rapid circulation of people and commodities. Moreover, in defining the market as a space of governmental intervention, the municipal corporation weighed the public market’s many utilities—ensuring consumer protection, catalyzing residential growth, drawing agricultural trade away from competing cities, and fostering civic identification—against the financial exigencies of running a city. After 1820, the pressure to make the public market more profitable to the municipal corporation frequently ran crosswise to the visions that consumers, venders, and farmers held for the market as a space of economic democracy. Nevertheless, despite mounting pressures from within and without, the public market proved a highly dynamic and adaptable institution, capable of withstanding and mediating the various claims made on it. Thus the public market served as the principal axis of the well-regulated economy, sustained the physical growth of the city and its neighborhoods, and manifested the public’s evolving and competing understandings of economic democracy—in short, it embodied the civic economy.

I. Locating the market in space, place, and time

While only one hundred miles, less than a day’s journey by water, separated Philadelphia and Baltimore, circumstances led to distinctive public market traditions. With its emphasis on regularity and order, William Penn’s 1681 plan for Philadelphia only begrudgingly made room for a public marketplace. Evincing ambivalence about the role of commerce in the colony, Penn did not assign a place to market houses in the town’s street grid, though his plan did grant the governor and provincial council the

authority to build and regulate marketplaces. Colonists preempted this mandate—or, as a writer in 1853 put it, “Trade proved stronger than Penn’s purpose.”³ By 1682, shortly after settlement, farmers, residents, artisans, merchants, and local Indians had established their own trading spaces and routines. In 1693, three distinct spaces were being used to conduct trade, at which time the provincial council declared “that the place for the markt be in the High-street, wher the second street Crosses it, and in no other place.”⁴ Situated along an east-west axis of governmental structures, from the courthouse to the jail, High Street Market, one observer averred, stood “in the most convenient and public part of the settlement (Fig. 1.1).”⁵

In 1751, as Philadelphia’s population surpassed 25,000, Baltimore remained a loosely assembled town of a few hundred souls, subservient to the political and commercial interests of Annapolis and the state’s slaveholding elite. Taking stock of their fledgling settlement’s potential as a port, fourteen of Baltimore’s leading men recognized the latent value of a market house for current residents, neighboring communities dotting the Patapsco basin, and settlers yet to come. For “the further Encouragement and Improvement of Baltimore Town,” these town fathers “Promis[ed] and Oblige[d]” themselves to furnish the funds necessary “for Purchasing a Lott or Lotts, whereon to Build a Market House, Town House, and other Necessary Buildings for the Benefit of said Town, and conveniency of such Persons as bring their Butcher’s meat, and other commodities to sell at Market in the said Town.” Inhabitants took out subscriptions, and

³ *North American*, May 28, 1853; John W. Reps, *The Making of Urban America: A History of City Planning in the United States* (Princeton, NJ: Princeton University Press, 1965), 160-174.

⁴ *Minutes of the Provincial Council of Pennsylvania* (Philadelphia, 1852), 1:28-33, 388, 392; John Fanning Watson, *Annals of Philadelphia, and Pennsylvania, in the Olden Time...* (Philadelphia, 1884), 3:183-85; James Mease, *The Picture of Philadelphia: Being an Account of its Origins, Increase and Improvements...* (Philadelphia, 1811), 116-117.

⁵ De Voe, “Public Markets of Philadelphia”; Thompson Westcott to Thomas De Voe, Dec. 17, 1862, Thomas F. De Voe Papers, N-YHS; *North American*, Jan. 15, 1845.

Centre, or Marsh, Market was completed a decade later.⁶ Indeed, for most seventeenth- and eighteenth-century Americans, to effectively build a town required establishing a conveniently located and well-regulated space of trade. “If there is no market,” Fernand Braudel posited, “a town is inconceivable,” for urban development was “rooted in and nourished by the people and land surrounding it.”⁷ Even Boston, where retailers railed against commercial restrictions, sustained a system of public markets.⁸ For Baltimore’s early leaders, the mere presence of a market space distinguished the up-and-coming town from the humble village.

While English patterns most influenced the architecture and governance of public markets in colonial and early national America, both free and unfree residents adapted the market spaces of American towns to fulfill their expectations of what a market should be. French and Spanish public square traditions influenced New Orleans’ marketplaces in space and practice, Dutch traders transplanted their market culture to New York’s markets, and the eighteenth-century influx of German settlers contributed to the culinary, linguistic, and architectural qualities of mid-Atlantic market houses. Finally, African slaves and free blacks abounded in coastal market towns, shaping the distinctive foodways, negotiating practices, and social systems—“market cultures”—that emerged in Atlantic-oriented cities.⁹ Situated at the confluence of these distinct traditions, market

⁶ J. Thomas Scharf, *History of Baltimore City and County* (Philadelphia: Louis H. Everts, 1881), 205-08.

⁷ Fernand Braudel, *Capitalism and Material Life, 1400-1800*, trans. Miriam Kochan (New York: Harper & Row, 1973), 389.

⁸ Jon C. Teaford, *The Municipal Revolution in America: Origins of Modern Urban Government, 1650-1825* (Chicago: University of Chicago Press, 1975), 39-43. John Frederick Martin assigns a miniscule role to regulated markets in his interpretation of New England town building as fundamentally a private enterprise, suggesting that public institutions came later. Martin, *Profits in the Wilderness: Entrepreneurship and the Founding of New England Towns in the Seventeenth Century* (Chapel Hill: University of North Carolina Press for the Institute of Early American History and Culture, 1991), 281-93.

⁹ For evidence of the broader Atlantic forces shaping American public markets, see Sophie White, “‘A baser commerce’: Retailing, Class, and Gender in Colonial New Orleans,” *William & Mary Quarterly*, 3rd

houses occupied a prominent place in the built, cultural, and economic landscapes of the eighteenth- and nineteenth-century American city.¹⁰

Public markets enhanced a town's prospects and solidified its stature within a web of exchange increasing in size and complexity. As the two cities' preeminent market houses, Centre and High Street markets stood poised at the confluence of local and international streams of trade. From the start, Centre and High Street markets catered to a cosmopolitan as well as local clientele. This was evident in their placement, abutting the waterfront on one end and, on the other, the main road leading to the countryside. The dense commercial networks in which public markets were embedded guided the decisions of all market-goers, who had increased access to information about commodities and prices thanks to the proliferation of newspapers in the eighteenth century. Public markets' adaptability in serving retailers and buyers, big and small, enabled port cities to earn sustained access to an "empire of goods" and laid the base for a more complex urban service economy in the late eighteenth and early nineteenth centuries.¹¹

The commercial effects of public markets were not restricted to market day. Long before central retail districts were the urban norm, businesses of all forms congregated in the streets and storefronts adjacent to public markets. Hucksters and peddlers scoured the

series, vol. 63, no. 3 (July 2006): 517-50; Thomas David Beal, "Selling Gotham: The Retail Trade in New York City From the Public Market to Alexander T. Stewart's Marble Palace, 1625-1860" (PhD diss., SUNY-Stony Brook, 1998); Jay R. Barshinger, "Provisions for Trade: The Market House in Southeastern Pennsylvania" (PhD diss., Pennsylvania State University, 1995). On slaves' influence in colonial marketing practices, see Robert Olwell, *Masters, Slaves, and Subjects: The Culture of Power in the South Carolina Low Country* (Ithaca: Cornell University Press, 1998), 141-80; Shannon Lee Dawdy, *Building the Devil's Empire: French Colonial New Orleans* (Chicago: University of Chicago Press, 2008), 112, 207.

¹⁰ On the diffusion of "market cultures," see Roger Horowitz, Jeffrey M. Pilcher, and Sydney Watts, "Meat for the Multitudes: Market Culture in Paris, New York, and Mexico City over the Long Nineteenth Century," *American Historical Review* 109, no. 4 (Oct. 2004): 1055-1083.

¹¹ Emma Hart, *Building Charleston: Town and Society in the Eighteenth-Century British Atlantic World* (Charlottesville: University of Virginia Press, 2010), 63.

streets leading to and from the market, sizing up articles and haggling over prices with farmers and customers. Prostitutes and brothels found ample patronage among the itinerant strangers, from wealthy merchants to sailors, who collected in the neighborhood of the marketplace. Boarding houses, hotels, and taverns serviced farmers and other travelers. In more sparsely settled neighborhoods, tavern yards operated as impromptu marketplaces.¹² Those with capital to invest in real estate benefited even more from proximity to public markets. Wholesaling depots capitalized on convenient access to provisions, while shopkeepers and auctioneers took advantage of increased pedestrian traffic. When Baltimore flour merchants Thomas McElderry and Cumberland Dugan simultaneously erected a row of houses with commercial and warehouse space on piers at the foot of Centre Market in 1796, they banked on the continuing symbiosis of the local provisions economy and the broader maritime economy (Fig. 1.2).

The architectural sophistication and ambition of McElderry and Dugan's speculative rowhouses was not mirrored in the market's more humble façade. Prior to the trend of constructing ornate, mixed-use market halls, beginning with Boston's Quincy Market in 1824, market houses were rough and ready structures. The dominant type of market building in early America, the freestanding, open-air shed, had been standard in England and continental Europe for centuries. Sheds lent themselves to being built down the center of wide streets, which were already publicly owned and facilitated the movement of shoppers, venders, and wagons through and past the markets. An English visitor to Philadelphia wryly noted that "the great market of Philadelphia" made "no

¹² Whitfield J. Bell, Jr., "Addenda to Watson's Annals of Philadelphia: Notes by Jacob Mordecai, 1836," *Pennsylvania Magazine of History and Biography* 98, no. 2 (April 1974): 160.

pretension to architectural beauty.”¹³ Disapproving of overelaborate market halls like Quincy Market, another commentator celebrated the functionality of the simple shed: “The convenience of a market-house is, to have it long, narrow, and open, on all sides, so that the articles may be spread abroad, and the people may have both room and light.”¹⁴ Many others shared her predilection for plainness, not least of all for its cheap costs.

Perhaps the most well known example of the shed style, the High Street shambles—an early-modern term for market stalls that was gradually becoming synonymous with disorder by the nineteenth century—served as an important point of reference for Americans in the early republic. One visitor to Baltimore considered Fells Point Market, built in 1784, as being “built on the model of the one in Philadelphia.”¹⁵ Shed-style construction owed its popularity to quick and inexpensive assembly, ease of cleaning, and ready adaptability to a site’s topographical features. The latter characteristic was particularly necessary in light of the poor and undeveloped land on which market sheds typically were erected. Reserving better plots for residential and commercial dwellings, Baltimore’s city commissioners situated Centre Market on less hospitable ground, guaranteeing its alternate denomination as Marsh Market.¹⁶ From the beginning, however, High Street Market occupied some of the most valuable real estate in Philadelphia, given the street’s grand width (100 feet) compared to other east-west boulevards in the city (75 feet or less).

High Street Market’s simple form—two rows of stalls facing inward under a

¹³ “A Citizen of the World” [James Boardman], *America, and the Americans* (London, 1833), 209.

¹⁴ Anne Royall, *Sketches of History, Life, and Manners, in the United States* (New Haven, 1826), 321-322.

¹⁵ Luigi Castiglioni, *Luigi Castiglioni’s Viaggio: Travels in the United States of North America, 1785-1787*, trans. Antonio Pace (Syracuse: Syracuse University Press, 1983), 206.

¹⁶ Tangires, *Public Markets*, 34-38; James M. Mayo, “The American Public Market,” *Journal of Architectural Education* 45 (Nov. 1991): 41-57; James Schmiechen and Kenneth Carls, *The British Market Hall: A Social and Architectural History* (New Haven: Yale University Press, 1999).

gable roof with little adornment—masked a far more complex spatial and social order. Artists like William Birch used the structure’s considerable length to experiment with scale and perspective (Fig. 1.3). Standing nearly a half-mile long, bisected by streets at every block, and lined by two- and three-story brick houses and shops, the vertically diminutive nature of the shambles was accenuated by its stark contrast with the evolving built landscape enveloping it. While Birch’s late-eighteenth-century prints elided the working-class men and women who labored and socialized in the marketplace, many other observers reveled in High Street Market’s heterogeneity. In Charles Brockden Brown’s *Arthur Mervyn*, High Street at night exposed the wide-eyed farm boy to the dangers of deception in the anonymous commercial city.¹⁷ On market day, when “the People swarm ... thicker than Flies to a Hogshead from which Sugar has been started,” visitors heard venders and customers conversing in more than a half-dozen languages, from German farmers to African sailors.¹⁸ A persistent reminder of the city’s growth and morphology, the market houses in High Street were erected, expanded, demolished, and rebuilt at rapid intervals (Fig. 1.4).

Whether constructed in streets or on vacant lots, public markets were well suited to the cramped quarters of Baltimore and Philadelphia, whose growing populations (26,514 and 41,220, respectively) each occupied a single square mile in 1800.¹⁹ Creeping

¹⁷ Wendy Bellion, *Citizen Spectator: Art, Illusion, and Visual Perception in Early National America* (Chapel Hill: University of North Carolina Press for the Omohundro Institute of Early American History and Culture, 2011), 113-169; Samuel Otter, *Philadelphia Stories: America’s Literature of Race and Freedom* (New York: Oxford University Press, 2010), 58-69.

¹⁸ Harrold E. Gillingham, ed., “Dr. Solomon Drowne,” *Pennsylvania Magazine of History and Biography* 48, no. 3 (July 1924): 236.

¹⁹ Carole Shammas, “The Space Problem in Early United States Cities,” *William & Mary Quarterly* 3rd ser., vol. 57, no. 3 (Jul. 2000): 506, 509; Mary M. Schweitzer, “The Spatial Organization of Federalist Philadelphia, 1790,” *Journal of Interdisciplinary History* 24, no. 1 (Summer 1993): 31-57. Philadelphia’s population figure here excludes that of the independent (prior to 1854 annexation) Northern Liberties and

down High Street block by block, Philadelphia's market shambles were a barometer of the city's growing population. This was ensured by a 1786 state act empowering city wardens to extend the market westward "as necessity or occasion shall require," for "custom and long usage have fixed High street, as the most eligible and central place for the market-house to be continued."²⁰ Centre Market served all of Baltimore until 1784, when construction began on three additional markets (Hanover, Fells Point, and Lexington) that were also near the water, but less prone to frequent floods from the nearby Jones Falls. City commissioners had been unable to agree on a single site, one historian notes, so instead "each [market] became the kingpin of a local economic system, speculative building, and a residential neighborhood."²¹

Public markets undergirded the emergence of a significant aspect of antebellum urban form, what Robin Einhorn has termed "segmentation"—competition between neighborhoods for municipal services and political power.²² As cities overspread their original limits, outlying residents called on authorities to establish markets in their neighborhoods. The result was a renewed commitment to market construction in the early nineteenth century, along with more extensive municipal influence in underdeveloped areas, as informal trading routines were relocated to better regulated market spaces. Growth in neighborhoods along Philadelphia's southern border hastened the creation of South Second Street Market in 1745 and Wharton Market in 1813. Development in northern and eastern districts brought the Norwich Market in 1783, North Second Street

Southwark, although many city residents would have found the marketplaces of these two districts more accessible than the High Street or South Second Street markets.

²⁰ Act of Mar. 23, 1786, Ch. 1206, secs. 1 and 2, *Laws of the Commonwealth of Pennsylvania*, eds. M. Carey and J. Bioren (Philadelphia, 1803), 3:149.

²¹ Sherry H. Olson, *Baltimore: The Building of an American City*, rev. edn. (Baltimore: Johns Hopkins Press, 1997), 19-20; Scharf, *History of Baltimore*, 205-208.

²² Robin L. Einhorn, *Property Rules: Political Economy in Chicago, 1833-1872* (Chicago: University of Chicago Press, 1991), 61-103.

Market in 1800, Broad Street Market in 1814, and Kensington Market in 1819 (Fig. 1.5).²³ In Baltimore, population growth came later but more swiftly, spurred by the city's access to the grain trade of the Susquehanna valley. By the mid-1840s, eight full-service markets radiated outward from the urban core, including Belair (1819), Richmond (1834), Hollins (1839), and Federal Hill (1845) (Fig. 1.6). While most of these newer market houses were smaller and oriented toward their immediate neighborhoods, some, like Belair Market, grew in patronage, size, and influence—so much so that, by the 1840s, Belair's boosters claimed it stood alongside Centre and Lexington in the city's market house hierarchy.

For residents of Federal Hill, at Baltimore's southern extremity, or Spring Garden, northwest of Philadelphia, a nearby market house provided two primary benefits. First, it limited dependence on hucksters and private meat shops, thus promoting access to fresher and ostensibly cheaper food. Urban consumers in the early nineteenth century lived closer to their sources of food than was later the case, as most fruit and vegetables grew in gardens or truck farms only a few miles away, meat was butchered on site, and local fishermen supplied fish and oysters. Nevertheless, lack of refrigeration and the particularities of distribution mitigated these benefits.²⁴ Meat and produce spoiled easily in the market's open-air stalls, particularly during the summer and in spite of farmers' efforts to transport their goods at night, when it was cooler.²⁵ If a farmer or vender was

²³ "Records of the Norwich and Callowhill Markets, 1783-1845," Historical Society of Pennsylvania (hereafter HSP); Margaret B. Tinkcom, "The New Market in Second Street," *Pennsylvania Magazine of History and Biography* 82, no. 4 (Oct. 1958): 379-96; De Voe, "Public Markets of Philadelphia," N-YHS. Since market houses often were erected piecemeal, as availability of funds, materials, and labor dictated, dates given for the establishment of a market are estimates.

²⁴ On the social dynamics of food provisioning in the antebellum city, see Gergely Baics, "Feeding Gotham: A Social History of Urban Provisioning, 1780-1860" (PhD diss., Northwestern University, 2009).

²⁵ Peter Baldwin, *In the Watches of the Night: Life in the Nocturnal City, 1820-1930* (Chicago: University of Chicago Press, 2011), 112; *Aurora*, July 31, 1828.

unable to sell items on market day, hucksters bought up the unsold articles in bulk. In Philadelphia's markets, one writer bemoaned, week-old fish "in a state of putrefaction" was worked up by hucksters—"no novices in the art of making stale fish appear as fresh"—and sold to "the unsuspecting servant."²⁶ While the presence of a market house did not prevent the adulteration or spoilage of food, it encouraged farmers to come directly to city residents and bypass intermediaries. It also provided market clerks a chance to inspect visually food exposed for sale, a far more difficult proposition with hucksters, who were moving targets.

Second, the presence of a market house attracted further commercial and residential development, which in turn raised property value in the urban periphery. Those holding undeveloped tracts of land understood as much. As Baltimore's city council noted in defense of its 1816 annexation plan, these outlying properties "derive[d] all their high value from their proximity to the commercial parts, to the markets, to the navigation &c."²⁷ Even though market spaces introduced a number of undesirable features to a neighborhood—offal, rotting produce, street congestion, an infusion of lower-class street vendors—property owners clamored for the construction or expansion of market houses. City councils routinely were flooded with such requests. When Baltimore lawmakers passed an ordinance prohibiting the custom of farmers selling fresh produce in city streets in 1800, the city's western inhabitants protested the lack of market accommodations. They drew the city's attention to "the great distance we are from the Principal Market of this City and the Remoteness of the Hanover Market which renders our situation very disagreeable." Because of "the rapid growth of that part of the city,"

²⁶ *Aurora*, Sep. 11, 1829.

²⁷ Resolution of Jan. 4, 1818, *Ordinances of Baltimore*.

they concluded, “we are led to think we are Intitled to your attention.” The state evidently agreed, as it authorized the construction of a new market house, “which will be attended with great convenience to the inhabitants thereof.”²⁸ In 1845, wishing to have Hanover Market extended, neighbors of the market, halfway between Baltimore’s two principal markets, argued its location was “admirably adapted to the wants and convenience of the great and growing population of that part of the city.” The council chose instead to support the erection of a new market house a half-mile south in Federal Hill, where “improvements [were] going on with much spirit.”²⁹ Calls to establish more convenient markets thus were routine throughout the period, but they should not distract from the municipal corporation’s primary calculus for erecting markets: enhancing the value and viability of property in growing neighborhoods.

Public markets were more than engines of economic development. As monuments to the progress or “spirit” of a city, public markets were a major source of civic identification and urban rivalry in the early republic. On tours of America, male and female travelers drew conclusions about towns and their inhabitants from the state of their markets. Indeed, markets were on the itineraries of many visitors, offering visual, aural, and olfactory clues to the present and future success of a city through their architectural qualities, food, and the manners of traders and customers. When Anne Royall, a Washingtonian, complained of “the constant buz of the multitude” in Baltimore’s narrow streets in 1824, she leavened her comments by praising the abundance and variety of goods in the city’s markets. It might have been “the most illiterate, proud and ignorant city, excepting Richmond, in the Union,” but the sheer

²⁸ City Council Records, 1800:272, BCA; Ch. 44 (1803), Ch. 19 (1805), *Session Laws of Maryland*.

²⁹ City Council Records, 1845:246, 247, 567, 569, BCA.

abundance of its marketplaces underscored its promise: “Nothing pleased me more than the markets ... never had I before seen anything equal to [them].”³⁰ Comparisons between cities were commonplace. For New York jurist James Kent in 1793, Baltimore’s Centre Market was “built of Brick & is as long as the Fly Market at NY,” contributing to the “new, elegant & prosperous” look of the city.³¹ Philadelphians bragged about the order and epicurean bounty of their markets and cast aspersions on New York’s Fly Market, implying its name was all too appropriate.³²

Public markets were not merely passive emblems of this civic culture but in fact helped shape the contours of political life in the city. “The market’s central location, unostentatious design, and multiple functions,” historian Helen Tangires writes, “made it a frequent site for public celebrations” in the eighteenth- and nineteenth-century city.³³ As extensions of street culture, public markets were spaces in which to celebrate national independence, mourn the death of figures like George Washington, receive visits from foreign dignitaries or celebrities, and attend political rallies. As the most conspicuous and politically active figures associated with public markets, butchers infused the market’s civic culture with artisanal rhetoric and imagery. Nowhere was this more on display than with “fat-beef” exhibitions, when butchers and farmers paraded enormous steers from market house to slaughterhouse and back. In perhaps the most celebrated instance,

³⁰ Royall, *Sketches*, 196-97; Semmes, *Baltimore*, 98.

³¹ “A New Yorker in Maryland: 1793 and 1821,” *Maryland Historical Magazine* 47, no. 2 (1952): 140-141.

³² De Voe, “Public Markets of Philadelphia,” N-YHS.

³³ Tangires, *Public Markets*, 60. A. K. Sandoval-Strausz suggests that the growing breadth and depth of scholarship on commercial spaces arises from the burgeoning historiographies of consumer culture and civil society. Given the degree to which consumption and civic engagement not only have been entwined but also celebrated in the structure of the marketplace, the public market is poised to earn a prominent place in this literature. Sandoval-Strausz, “Spaces of Commerce: A Historiographic Introduction to Certain Architectures of Capitalism,” *Winterthur Portfolio* 44, no. 2/3 (Summer/Autumn 2010): 145; Tracey Deutsch, “Putting Commerce in Its Place: Public Markets in U.S. History” (review of Tangires, *Public Markets*), *American Quarterly* 56, no. 2 (June 2004): 481-488; Mary P. Ryan, *Civic Wars: Democracy and Public Life in the American City during the Nineteenth Century* (Berkeley: University of California Press, 1997), 34-35.

White's Great Cattle Show, a procession of two hundred butchers led eighty-seven heads of cattle over six miles through the streets of Philadelphia in March 1821 (Fig. 1.7).

Against a backdrop bearing the mottos, "Pennsylvania against the World" and "We Feed the Hungry," Philadelphians jointly exercised their civic and consumer identities, buying up the beef in fourteen hours.³⁴

Boosters pointed to such scenes as manifesting the commercial influence of their cities and the vitality of its citizens and leaders. Newspaper editors took to quantifying the reputation of their marketplaces. On Christmas Eve in 1829, the Baltimore *Gazette and Daily Advertiser* expressed delight over the "animating sight" of Centre Market, citing the clerk's count of 451 wagons, 559 carts, and 45 market boats.³⁵ Such numbers, another writer noted, demonstrated the city's command "not only [of] an excellent, but [of] a long continued market of the various fruits of the earth."³⁶ Seeking "to afford our readers some idea of the abundance with which Philadelphia is blessed," the *Inquirer* reported there had been, in Second Street on the previous Saturday, "119 wagons offering 6,264 lbs. butter, 758 dozen eggs, 572 pairs of chicken, 45 turkeys, 106 geese, 67 pair of ducks ... [and] beef, veal, fruit, grain and vegetables to an immense amount."³⁷ These calculations, provided without context or direct comparison, aimed not only to overwhelm the reader but also to demonstrate, in the discourse of the day, the natural advantages that cities like Baltimore and Philadelphia claimed to possess over their ever-expanding hinterlands.

³⁴ De Voe, "Public Markets of Philadelphia," N-YHS; Tangires, *Public Markets*, 66. For the larger political context of working-class public culture in Philadelphia, see Susan G. Davis, *Parades and Power: Street Theatre in Nineteenth-Century Philadelphia* (Berkeley: University of California Press, 1986), 113-153.

³⁵ *Gazette and Daily Advertiser*, Dec. 24, 1829; *Niles' Weekly Register*, Jan. 2, 1830.

³⁶ *Sun*, Aug. 18, 1842.

³⁷ *Inquirer*, Oct. 31, 1842.

Given their proximity, Baltimore and Philadelphia were especially prone to comparison of physical as well as economic features. During an 1803 visit, a medical student from Philadelphia remarked that Baltimore's markets were "upon the best construction" he had seen, with "fine shelter on each side for those who sell vegetables, poultry, &c."³⁸ Others were more explicit in their appraisals. One morning in 1818, another visitor to the city "took a survey of the market, which is strikingly inferior to that of [Philadelphia] in points of plenty & goodness, but in price far superior."³⁹ A Baltimore editor adopted a different approach to celebrating the fecundity of his city's markets, favorably comparing the beauty of Baltimore's female hucksters to those in Philadelphia's markets.⁴⁰

The public markets of the two cities were seen as jousting not only for plaudits but also for products. Mid-Atlantic farmers, increasingly sensitive to variables like commodity prices, road conditions, market rents and licenses, and general ease of trade, profited from their access to two major market cities and many more secondary market towns, from York to Frederick. Previously localized, rural production rapidly but unevenly reoriented to the demands of urban consumers. Such was the case with Philadelphia's "butter belt." The growth of the city stimulated butter making on hinterland farms, leading both to the disappearance of livestock from urban households and to the increasing reliance of rural households on urban manufactured goods.⁴¹

³⁸ "Journalissimo of a Peregrination to the City of Baltimore, Performed in the Year, 1803," William Darlington Papers, N-YHS.

³⁹ "A manuscript account of a journey from Wilmington to Baltimore and back" (ca. 1818), MS 523, Special Collections, Milton S. Eisenhower Library, The Johns Hopkins University.

⁴⁰ *Gazette and Daily Advertiser*, Jan. 16, 1836.

⁴¹ On the orientation of rural production towards urban markets in the mid-Atlantic, see Joan Jensen, *Loosening the Bonds: Mid-Atlantic Farm Women 1750-1850* (New Haven: Yale University Press, 1986), 93; James Weston Livingood, *The Philadelphia-Baltimore Trade Rivalry, 1780-1860* (Harrisburg:

Despite its proximity to the butter belt, however, Philadelphia did not maintain a monopoly. In 1840, the *Sun* cheerfully reported of a farmer who brought seventy pounds of butter to Lexington Market. While the farmer lived only fifteen miles from Philadelphia, “he found the Baltimore market reached with equal ease and facility by means of the Railroad.” The columnist encouraged Baltimoreans to offer “to the farmers of Chester county the right hand of fellowship.”⁴²

Unsuccessful attempts to attract farmers were attributed to insufficiencies in the city’s market system and its inability to grease the wheels of commerce. The most frequent grievances claimed that market houses were too small, too distant, or too crowded, compelling rural producers to travel elsewhere with their goods. Even with well-appointed market houses, however, the availability of articles fluctuated. In 1833, 14,544 kegs of butter were inspected in Baltimore market houses, dropping off to an average of 8,000 over the next three years, and rebounding in 1837 with 15,542.⁴³ With only a single butter and lard inspector to attend all the city’s marketplaces, one petition noted, many farmers were left waiting hours. In comparison with the high costs farmers had to pay for inspection, “our rival city of Philadelphia” charged only four cents per keg. “Is it not an object under our present relative situation to equalize,” another petition asked, “the expenses attending the produce brought to our market?”⁴⁴ But the problems did not end with butter. One vexed Baltimorean found that the peck of peaches he bought at the market had entered into a “decaying state” by the time he got it home, leading him to

Pennsylvania Historical and Museum Commission, 1947), 27-53; Diane Lindstrom, *Economic Development in the Philadelphia Region, 1810-1850* (New York: Columbia University Press, 1978).

⁴² *Sun*, May 23, 1840. See also *North American*, April 29 and June 13, 1839; Jo N. Hays, “Overlapping Hinterlands: York, Philadelphia, and Baltimore, 1800-1850,” *Pennsylvania Magazine of History and Biography* 114, no. 3 (July 1992): 295-321.

⁴³ City Council Records, 1839:936, BCA.

⁴⁴ City Council Records, 1824:350, 351, BCA.

wonder if “the Philadelphia market, as some have suggested, get[s] the cream, while the refuse is brought here.”⁴⁵ While some grumbled about hucksters withholding fresh produce from the market or farmers’ faulty storage techniques, the responsibility for ensuring the cream made it to market unquestionably fell to municipal officials.

II. Governing the marketplace

Endowed by law with “full power and authority to take possession, care and charge of the markets” in Baltimore, Robert Lawson was the face of a regulatory system that designated the public market as a physically bounded space, the perimeter of which was to be closely patrolled.⁴⁶ In reality, the market was profoundly porous, and it was becoming more so over the course of the first half of the nineteenth century. This was necessitated by its very design and use, with numerous points of access, no windows or doors (at least until the mid-century development of enclosed market halls), many formal and informal utilities, and a heterogeneous population that resisted easy surveillance (Fig. 1.8). The deliberate openness of market houses and arrangement of stalls long had served as a bulwark against fraudulent transactions and unsanitary conditions. This owed as much to the informal self-policing practiced by venders and consumers as it did to formal legislation. Nevertheless, understanding that their ability to render commerce an object of governance rested on placing physical and temporal limits to exchange, lawmakers established a latticework of regulations and empowered men like Lawson to enforce it.

As the head clerk of Centre Market for nearly a decade in the first quarter of the nineteenth century, Lawson developed a keen understanding of the space and its

⁴⁵ *Sun*, Aug. 27, 1850.

⁴⁶ No. 3 (1805), *Ordinances of Baltimore*.

inhabitants. Twice a week, he paced back and forth between the parallel rows of stalls on market morning, inspecting with his eyes and nose the medley of meats and produce spread out on tables, benches, and butcher blocks.⁴⁷ When he came across potentially unwholesome or otherwise manipulated provisions, he confiscated the offending articles and levied a small fine, half of which he kept to supplement his income. He made enough of a scene that nearby venders and shoppers might take note, setting an example of the offender and extracting an additional penalty in the form of the vender's reputation with customers. A former city constable (and failed candidate for county sheriff) who later translated his experience as clerk into a third career as butcher, Lawson was accustomed to both the hard and soft applications of the law.⁴⁸

Of particular interest were the men and women whom he took to be hucksters. These individuals traded in fruit, vegetables, butter, tea, coffee, sugar, and other comestibles purchased from farmers in city streets and along country roads. Lawson suspected their provisions had been purchased within ten miles of the city, in defiance of municipal prohibitions against forestalling, the buying and reselling of foodstuffs for profit. Forestallers were triply predatory to Lawson: they bilked farmers of potential earnings, they drove up the prices of "necessaries" (preying on the poor in particular), and they sold food that was often overripe, unwholesome, or fraudulently packed. Moreover, their comparatively rough behavior undermined the respectability and order of the space in Lawson's charge. Female shoppers regularly complained to him of being on the receiving end of "a torrent of foul abuse and billingsgate language" from hucksters,

⁴⁷ For Lawson's reports, which serve as the basis for the following description, see City Council Records, 1812:547, 1816:467, BCA.

⁴⁸ *The Baltimore Directory, for 1803* (Baltimore, 1803); *Federal Republican*, May 25, 1811; *Sun*, Aug. 22, 1840.

particularly if they had the temerity to criticize the price or quality of the articles for sale. Lawson and other clerks often encountered verbal or physical abuse by hucksters defending their craft.

In most instances, he found himself unable “to arrest & destroy [the] evil practice” of forestalling. The mobile class of hucksters formed networks that spread far beyond the city, and only the baldest scofflaws purchased goods and announced their intention to resell them in his presence. There was also no visual distinction between articles legally and illegally exposed for sale at huckster stands. Underscoring the degree to which the marketplace was informally policed by buyers and sellers, exclusive of the clerk’s presence, witnesses seldom came forward to assist in Lawson’s attempts to prosecute hucksters for forestalling. While some may have been indifferent to the hucksters’ impositions, others more rightly feared being blacklisted by the close-knit fraternity of traders.

Unable to dislodge such an entrenched custom, Lawson had other responsibilities to attend to. Checking on the less occupied northern end of the market space across Baltimore Street, he encountered the smell of urine, mingling with the stench of horse manure and wastewater dumped into Jones Falls by the fishmongers. Lawson stole moments during the morning to catch up with renters who owed payments on their stalls, checking licenses to make sure they were up to date, and compiling lists of the men and women who rented space in the market for his monthly report to the city register. When early afternoon arrived, customers dispersed, cartmen and personal servants retrieved the purchases of Baltimore’s wealthier families and merchants, farmers sold hucksters their unsold produce and loaded their wagons, and scavengers moved in to pick over the refuse.

Lawson or his assistant then hosed off the brick pavement to rid it of blood, fruit and vegetable waste, and dirt. Centre Market remained a site of social and commercial activity during non-market hours, but for the most part Lawson's work was done after a fifteen-hour day that started hours before daybreak and lasted into the afternoon and, on Saturdays, well after sunset. Lawson and other clerks were expected "to have and keep the market clean" every day of the week, "the Sabbath morning not excluded."⁴⁹

Municipal market ordinances gave the semblance that Lawson and his fellow officials were unerring and synchronized appendages of the state. "Precise regulations have been laid down," noted an 1824 guidebook of Philadelphia, "for the government of the markets, and respecting weights and measures, and the introduction of game, &c. at improper seasons, or in an unsuitable condition, the enforcement of which is attended to by the clerks of the market."⁵⁰ Laws governing the market sought to shore up boundaries through an interlocking system of inspection and licensing; through laws prohibiting monopolization and price manipulation; through the limiting of market hours and days; and through defining, to the inch, the physical parameters of the market.⁵¹ The "full power and authority to enact and pass all ordinances necessary" for the establishment and regulation of markets was among the first powers laid out in city charters of incorporation. So too were the powers to inspect commodities, affix the assize of bread, and keep standards and measures.⁵² When market rules and regulations passed by state legislatures were found to be "inadequate to suppress and prevent many inconveniences and abuses

⁴⁹ City Council Records, 1830:458, BCA.

⁵⁰ *Philadelphia in 1824; Or, A Brief Account of the Various Institutions and Public Objects in this Metropolis...* (Philadelphia, 1824), 192.

⁵¹ Ch. 17 (1788), *The Laws of Maryland*, ed. Virgil Maxcy (Baltimore, 1811); Tangires, *Public Markets*, 5-8.

⁵² Ch. 68, sec. 9 (1796); Ch. 54, sec. 2 (1797); Ch. 108, sec. 3 (1805), *General Public Statutory Law and Public Local Law of the State of Maryland, 1692-1839*, ed. Clement Dorsey (Baltimore, 1840).

which have crept into the several markets” of Baltimore, the city council passed ordinances that designated the forms of commercial activity that could occur “within the limits of the market.”⁵³ Thus began a cycle of nearly constant revision of market regulations in an effort to create legible boundaries around the marketplace.⁵⁴

This cycle of lawmaking sought to balance the numerous demands made on public markets by buyers, sellers, and the municipal corporation itself. In response to an unending stream of petitions from residents, city councils proposed, passed, amended, and revoked hundreds of market ordinances during the antebellum period. As early as the 1820s, Baltimore’s councilmembers had grown weary of the never-ending cycle of petitions requesting alterations, whether modest or wholesale, in market regulations. For all the time previous councils had spent “legislating on the markets,” one committee bemoaned, it was disconcerting that “so much complaint should still exist.”⁵⁵ Their weariness manifested in frequent errors: transposing words (“unsound fish” became “unsound flesh”), passing new laws without explicitly negating old ones, assigning incorrect rents to market stalls, neglecting to establish penalties for violations, or putting the wrong seal on the document—all of which invalidated the enacted law.⁵⁶

Their Philadelphia counterparts likely felt fatigued, as well. Between 1789 and 1889, more than 150 ordinances were passed regulating city market houses, excluding

⁵³ Ordinance of April 11, 1797; Ordinance No. 15 (1821), No. 17 (1824), No. 17 (1825), *Ordinances of Baltimore*; Ordinance of Dec. 22, 1831, *Digest of Ordinances of Philadelphia*.

⁵⁴ As Jean-Christophe Agnew has shown, the notion of a market with spatial limits or boundaries had been obsolete since the sixteenth century, when buyers and sellers grew increasingly suspicious of fraud. The notion of a market “threshold” was only operable if both buyers and sellers mutually conceived of it. Once they no longer did, the state stepped in to reassert the market’s boundaries through the instruments of governance noted above. More often than not, however, eighteenth- and nineteenth-century regulations on the “limits of the market” were honored in the breach, as the rest of this chapter argues. Jean-Christophe Agnew, “The Threshold of Exchange: Speculations on the Market,” *Radical History Review* 21 (Fall 1979): 99-118; Agnew, *Worlds Apart: The Market and the Theater in Anglo-American Thought, 1550-1750* (Cambridge, UK: Cambridge University Press, 1986).

⁵⁵ City Council Records, 1825:263-264, BCA.

⁵⁶ City Council Records, 1839:805, 1848:333, 637, 725, BCA.

auxiliary matters like lighting and paving. Structures of local governance evolved to meet the growing demands of market regulation. By 1822, the select and common councils formed a permanent joint committee on markets, separate from committees on policing and city property, where market matters previously were debated. In 1854, Philadelphia's newly consolidated municipal government established a semi-independent department of markets, the sole responsibility of which was to oversee all matters related to supplying the city with food.⁵⁷ By the Civil War, annually published digests of ordinances for Baltimore and Philadelphia swelled into multivolume tomes, with markets among the most legislated subjects.

Given the tenacity of the notion that the antebellum period marked the apotheosis of liberalism and limited state economic intervention (with the major exception of internal improvements), it is worth considering why local authorities expended great time and effort in designating and patrolling the "limits of the market." One possible way of looking at these exertions is to view them as the articulation of state and local government's enduring investment in the regulation of economy for the public good. Countering generations of scholarship that viewed the period of 1790 to 1860 as the heyday of American laissez faire, William Novak views the vast quantity of local economic regulations as the continuation (indeed elaboration) of a strong conception of police powers inherited from common law and other earlier sources. For Novak, the expanding corpus of economic regulations in the decades leading up to the Civil War represented an attempt to secure "fair dealing, fair price, [and] honest labor." This vision of a well-regulated economy was physically expressed by the public market, an institution that signaled the local and state government's authority to function as "central

⁵⁷ Tinkcom, "New Market," 394-395.

creators of the notion of economy as a special sphere of social activity, a sphere distinctly cognizable as an object of governance.”⁵⁸

For Lawson and fellow market clerks, however, the raft of market regulations was more an unfunded mandate than a potent articulation of government management of the economy. Clerks regularly bemoaned the discrepancy between their income and the vital work they did. Lawson’s predecessor as Centre Market’s clerk, Andrew Carson, complained in 1801 of working “under circumstances more troublesom and less Lucrative than his Predicessor” due to “extra Services” he was required to perform. Some clerks also rented and operated market stalls to supplement their income.⁵⁹ Not only did clerks see themselves as chronically underpaid but also as figures of derision. “In enforcing the duties imposed upon them by virtue of the office they hold,” several clerks petitioned in 1826, “they are liable to be abused by certain persons frequenting the Markets.” Confrontations quickly escalated in the agonistic environment of the marketplace, as suspected “infringers” of market ordinances released a stream of profanities insulting the clerk. Because of his inability to adequately punish the act of disobedience, the clerk’s authority was marred in the eyes of the “crowd” of onlookers.⁶⁰ City leaders enhanced surveillance by appointing watchmen and constables to assist market clerks, but this too proved problematic in light of how diminutive and overburdened the city’s police force

⁵⁸ William J. Novak, *The People’s Welfare: Law & Regulation in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 1996), 86, 95.

⁵⁹ Carson’s predecessor, James Long, also complained that his pay was “greatly inadequate to the services performed.” City Council Records, 1801:232, 1798:159, 1813:175, 1830:458, 1841:367, 1846:605, BCA. On the supplementing of market income by operating stalls, see Camilla Townsend, *Tales of Two Cities: Race and Economic Culture in Early Republican North and South America* (Austin: University of Texas Press, 2000), 166.

⁶⁰ City Council Records, 1826:488, 788, BCA.

was before its professionalization and expansion in the late 1850s.⁶¹ At the very least, then, market laws should not be read as a straightforward indication of the municipal corporation's investment in regulating the economy.

Another possible explanation for the proliferation of market ordinances, which does not necessary dispel Novak's larger point, is that municipal governments sought to compensate for their tenuous authority in matters of economy and society. In an 1825 report in which it decried ongoing complaints about market ordinances, Baltimore's city council reckoned that, sooner or later, "the Corporation will have to assert her right to the controul of the Markets[,] or prepare to erect a sufficient number of Market Houses for the whole Trading community, or abandon the management of them altogether." The council believed it was incapable of doing the second, and "the interests of our fellow Citizens and public good alike [forbade]" the latter. This left only the first option, for the corporation "to assert her right to the controul of the Markets." But several factors hampered this. It would seem, the council wrote, "as if almost every provision which was necessary for regulating the markets has already been made." Yet "no matter how well defined and harmonious the provisions of our laws may be, so long as they are enforced by one officer and neglected by another, discontent & dissatisfaction will be the consequence." Noting that the past decade had seen an unprecedented number of petitions regarding the city's markets, the councilmen surmised, "We may legislate Session after Session, until legislation becomes a serious evil, if the officers of the Corporation continue to exercise their discretion and take upon themselves, the prerogative of deciding on the propriety of the Laws instead of enforcing them."

⁶¹ See, for instance, the complaints of watchmen about their additional market duties. City Council Records, 1843:318, 1846:631, 408, BCA. On the diversification of policemen's duties before professionalization, see Roger Lane, *Policing the City: Boston, 1822-1885* (Cambridge, MA: Harvard University Press, 1967), 3-58.

Signaling the degree to which these quandaries vexed city leaders, both council branches took the unusual step of ordering fifty copies of the report printed.⁶²

Indeed, in a theme that will be returned to several times in the chapters that follow, public markets provided the municipal corporation routine reminders of its limitations in governing the rapidly expanding antebellum city. This was driven home in an emerging middle-class discourse that identified the public market with social and spatial disorder. As Simon Newman has illustrated, public spaces in Philadelphia, particularly marketplaces, were understood as “provid[ing] venues for socialization, drinking, prostitution, and begging” in the late-eighteenth and early-nineteenth century. When residents near South Second Street Market successfully protested the holding of market day on Sunday in 1806, they did so “not from religious reasons only.” Instead, it was in response to the laboring classes, who received their weekly wages on Saturday and went on sprees of “riot and debauchery” in the marketplace later that evening.⁶³ Residents near Centre Market complained in 1811 that it had become “the resort of idle and dissolute persons.”⁶⁴ Baltimore’s Centre Market, Thomas Griffith wrote to Mayor Small in 1830, “has become a positive nuisance ... just as much so, as it would be, to have a common Fair in the centre of a City, twice a week, or 104 times a year.” Not only did “Countrymen come, with the product of their hard labor, to stand in the streets, wet or dry, from night until morning to the annoyance of adjacent Stores & passengers,” but the market itself seemed to breed disorder: “The Crowds assembled at that Market, induce

⁶² City Council Records, 1825:263-264, BCA

⁶³ Simon P. Newman, *Embodied History: The Lives of the Poor in Early Philadelphia* (Philadelphia: University of Pennsylvania Press, 2003), 31-32; Tinkcom, “New Market,” 393-94; Charles William Janson, *The Stranger in America: Containing Observations Made During a Long Residence in That Country...* (London, 1807), 180.

⁶⁴ City Council Records, 1811:294, BCA.

many to keep Tippling-Shops, and no Police whatever would prevent Stealing, Fighting and many other crimes and vices, contaminating and demoralising those who frequent it.”⁶⁵

Despite the city’s attempts to restrict trade “within the limits of the market,” transactions spilled out of the space, transforming surrounding streets and neighborhoods into ad hoc country fairs like the ones Griffith decried. Areas near the markets were prone to gridlock on market day, as shoppers, venders, farmers, cartmen, hack drivers, horses, wagons, and cattle vied for position in cramped and chaotic quarters. Market wagons lined the streets extending as far as three miles from the market houses. Yet while public markets represented a glorified ideal space where city and country met, the rural character of these spaces did not always mesh with urban tastes. If middle-class urban dwellers increasingly sought to bring an agrarian vision to bear on urban form in the mid nineteenth century through parks and cemeteries, the sights and smells of cows, horses, goats, and pigs provided an excess of country sensibilities—this was not the *rus in urbe* they had in mind.⁶⁶ For residents of Fells Point, this was evident when rogue pigs—the ubiquitous “swinish multitude”—destroyed a fence erected around the marketplace to beautify the space, or whenever winds shifted and carried the odor of animals across more populated areas of the city.⁶⁷

A third and more forceful explanation for the proliferation of market ordinances is the self-interest of the many parties who had an investment (financial or otherwise) in the

⁶⁵ Mayor’s Correspondence, 1830:1006, BCA.

⁶⁶ *Patriot* (Baltimore), Feb. 19, 1817; *Easton Gazette* (Maryland), Jan. 7, 1826; *Baltimore Gazette and Daily Advertiser*, Feb. 22, 1826; *American & Commercial Daily Advertiser*, Aug. 31, 1840; *Sun*, Apr. 30, 1838; City Council Records, 1826:487, 1828:390, 1830:461, 487; 1845:282, 284, 703, 1846:345, BCA.

⁶⁷ City Council Records, 1830:463, BCA; Catherine McNeur, “The ‘Swinish Multitude’: Controversies Over Hogs in Antebellum New York City,” *Journal of Urban History* 37, no. 5 (Sept. 2011): 639-660.

government of the public market. While formulaic on the surface, their arguments for regulation reveal the interrelationship of self-interest and the public good in antebellum political discourse. In referencing the “interests of our fellow Citizens and public good,” the 1825 council report reinforced Novak’s claim for the pervasiveness of the language of public welfare in nineteenth-century America. So did petitions, which more than laws and court decisions illuminated the worldview of urban residents, as the majority appealed to some iteration of the common good. But in adhering to certain scripts that petitioners felt strengthened their case in front of city leaders, petitions also betrayed the contested nature of the public welfare in the antebellum city.

This suggests an important amendment to Novak’s thesis: while most antebellum residents and authorities viewed the public market as a legitimate and vital exercise of governmental authority, they viewed regulation itself in a new light. They proceeded not from an adherence to traditional moral economy but rather from a more innovative conception of economic democracy. For consumers, this entailed equal and unfettered access to cheap and bountiful goods. For sellers, it was predicated on open competition with other retailers and restrictions on monopolies, public or private. Thus all buyers and sellers in the urban marketplace conceived themselves individually as the “public” and expected the municipal corporation to act on their behalf.

Consider the various ends to which the concept of the public was applied in the long-running civic debate over how best to regulate public markets. The institution was designed to serve as a source of healthy and cheap provisions, a commercial outlet for farmers and retailers, a place where itinerant venders could safely and efficiently sell their merchandise, and a modest wellspring of revenue for the cash-strapped city

corporation. As a result, the governance of public markets was shaped and prodded by competing communities within the broader public: household consumers of all classes who marketed a few days every week; shopkeepers and merchants looking to benefit from increased traffic; property owners and lessees concerned with the value of their investments; non-residents who grew and manufactured products for the market; poor men and women street venders who relied on the market to carve out a modicum of economic independence; a panoply of city employees from clerks to inspectors who depended on the market house for their salaries and fees; and municipal leaders who viewed public markets as a dependable (if not extravagant) source of income.

III. Competing visions of economic democracy

Reflecting the largest community interest, petitions of city residents principally dealt with access and convenience. As noted above, owners and occupiers of property were instrumental in convincing municipal authorities to erect new market houses as well as in dictating their placement. When neighbors of Belair Market declared that the “public good requires the building of a house on the space between Gay and Ensor Sts.,” they only made explicit what other petitioners assumed about the validity of their own claims.⁶⁸ Twin concerns of convenience and property value spurred requests for new or extended market houses. Residents wrote of the various advantages that would accrue not only to themselves, but also to farmers, butchers, venders, and artisans, who would promptly rent all the stalls and thus refill public coffers. Others framed market house extensions explicitly as more speculative investments, from which both public and private assets would “derive a very large interest” as the city filled in around the spaces.

⁶⁸ City Council Records, 1847:460, BCA.

In 1835, residents west of Lexington Market pleaded with the city to purchase additional land for future expansion before it became too expensive. Two years later, mayor Samuel Smith joined in, reminding an indecisive city council “of the absolute necessity of purchasing the lot now vacant for the extension of the Lexington Market.”⁶⁹ When officials sought to erect a market house in Federal Hill in 1839, landowners asked for \$10,000, which the joint committee on markets opined was too much, putting off construction for another six years—a better time for municipal finances than during the Panic of 1837, perhaps, but at greater cost as well.⁷⁰

Few, however, consented to the taking of their property for municipal improvement. When residents of northern Baltimore caught wind of a petition to the state legislature offering their land for the proposed Richmond Market, they stridently denied having any “knowledge, consent, or approbation” of its contents.⁷¹ City leaders viewed markets as they did other public improvements, especially highways, which permitted the use of eminent domain. Generally cognizant that the latter mechanism was, according to historian Morton Horwitz, “the one truly explosive legal ‘time bomb’ in all antebellum law,” Baltimore’s city council typically was content to travel a path of lesser resistance.⁷² Thus it relied heavily on the time-honored tradition of gratuitous bequests from wealthy landowners like the Howards, on whose land Richmond Market was eventually built in 1834.⁷³ When built as speculative endeavors to accelerate the growth of outlying

⁶⁹ City Council Records, 1825:159, 1820:345, 1835:684, 686, 778, 1837:995, 891, BCA. For similar arguments over the extension of Belair and Hanover markets, see City Council Records, 1839:686, 1845:246, BCA.

⁷⁰ City Council Records, 1839:965, 1848:729, BCA.

⁷¹ City Council Records, 1832:597, BCA.

⁷² Morton J. Horwitz, *The Transformation of American Law, 1780-1860* (Cambridge, MA: Harvard University Press, 1977), 259.

⁷³ City Council Records, 1832:732, 1833:636, 1834:1056, BCA; Ordinance No. 28 (1832), *Ordinances of Baltimore*; Ch. 327 (1831), Ch. 35 (1833), *Session Laws of Maryland*.

neighborhoods, as Richmond Market was, officials were anxious when years passed and stalls went unrented.

Rent was the abiding issue for the market's suppliers and established occupants—farmers, butchers, and victuallers—who viewed certain economic privileges as vested in their status as renters of city property. Stall rentals constituted the most significant investment of market venders, but it was not the only cost. When market houses first opened, city authorities held public auctions, publicizing them well ahead of time in order to draw the most bidders. Winning bids, which could approach one thousand dollars for the best-located or most spacious stalls, secured victuallers virtually permanent leases and the right to pay rent on a yearly or quarterly basis. Stalls, like experience and know-how, thus passed from generation to generation. Whereas different stalls may have been purchased for different amounts, annual rents were tiered according to stall size. By themselves, rents posed a relatively slight burden for most. In 1802, Philadelphia's Catherine Heimer paid \$2.50 per quarter for stall "No. 3 in Sec^d Shambles."⁷⁴ When Jersey farmers protested the raising of rents to \$16 annually following the enlargement of the same market in 1809, refusing to pay, the select and common councils relented and directed stalls be let for "the highest and best rents that can be reasonably obtained."⁷⁵ In 1847, Baltimore's venders paid only from \$5 to \$32 annually, the most expensive stalls reserved for Centre Market and the cheapest for the newly opened Cross Street Market.⁷⁶ In return for the payment of rent, venders received a license as a form of receipt. Other expenses included inspection fees (normally a few cents per keg of butter or side of beef exposed for sale) and a per diem charge of twelve and a half cents that applied to all who

⁷⁴ Receipts for stall rent (1799-1804), Catherine Heimer, Box 1B, Miscellaneous Collection, HSP.

⁷⁵ Tinkcom, "New Market," 395.

⁷⁶ City Register, 1848:1054, BCA.

sold in the market.

In petitioning for lowered rents and fees, venders were careful to acknowledge not just their willingness but indeed their desire to contribute financially to the well being of the city. In return, however, they asked that the attendant costs reflect circumstances, particularly as demand (and the ability of customers to pay) fluctuated dramatically in the boom-and-bust antebellum economy. Market venders, particularly butchers, could expect the support of the broader community when they petitioned for lower rent. When High Street butchers were faced with rent hikes in 1836, the *Public Ledger* encouraged them to circulate a petition, which “thousands” would gladly sign and the councils dare not disregard.⁷⁷ Taking their grievances over raised rents to the city council in 1826, Charles Reynolds and other poor “Gardeners” who sold in Baltimore’s markets were buoyed by the signatures of nearly five hundred citizens “who resort[ed] to the several markets for supplies.” Reynolds, noting the “scarcity of money” among both gardeners and consumers, believed the license (or rent) increase to be “truly oppressive to the best interest of the publick welfare.” Five hundred fellow residents agreed, as did mayor John Montgomery, who felt that “reduc[ing] the licence of \$10 to \$5 will give a larger revenue to the City, and will enable many to subsist their families.”⁷⁸

As they announced in bold letters at White’s Great Cattle Show in 1821—“We Feed the Hungry”—venders embraced their roles as feeders of the metropolis. In appeals to city officials, they portrayed themselves as defenders of the ordinary consumer. Despite periodic eruptions of verbal and physical violence between buyers and sellers, the relationship that Reynolds and others forged with customers depended on honesty and

⁷⁷ *Public Ledger*, Aug. 1, 1836; City Council Records, 1826:474, 477, 478, 479, 483, 641, 1827:489, 1828:368, 1833:661, 1843:317, 320, 321, BCA.

⁷⁸ City Council Records, 1826: 490, 642, BCA.

an effort on both sides to understand one another's motivations, particularly when haggling over prices. Market venders took pride in the appearance not only of their products but also their surroundings. Anticipating the various factors that could drive even faithful customers away, venders appealed often for alterations that would make buyers more comfortable: more frequent cleanings, prohibiting the smoking of cigars, gas lighting to assist in buyers' inspection of items, fresh coats of whitewash, roofs and siding that shielded marketers from the elements, and wider avenues between the stalls to accommodate market baskets.⁷⁹ Like the broader urban community, however, they frequently blurred the distinctions between public and private interest in their calls for state intervention in the marketplace. This was especially true for butchers who had paid handsomely for the right to rent their stalls and expected an assortment of benefits alongside that right. Possessing the capital to "own" several stalls in markets throughout the city placed butchers like Baltimore's Henry Pentz and George Rusk and Philadelphia's John Gross and William White at the pinnacle of the market hierarchy.⁸⁰ Not only did this ensure a ready supply of customers but also the clout to shape municipal law and politics and thus infuse economic democracy with an artisanal quality.

Even for more modest victuallers, a sense of birthright pervaded dealings with city officials. And indeed many of them had inherited their stalls from fathers or mothers,

⁷⁹ *Hazard's Register*, March 21, 1829; City Council Records, 1825:163, 164, 1830:459, 460, 1833:650, 1847:470, 1858:300, BCA. For an economic-anthropological study of more contemporary vender-customer relationships, see Stuart Plattner, "Economic Decision Making in a Public Marketplace," *American Ethnologist* 9, no. 2 (May 1982): 399-420.

⁸⁰ New York butcher Thomas De Voe was, if not the most financially successful, certainly one of the most influential, giving speeches around the country on the history of butchers, abattoirs, and public markets in America. His study of New York's public markets remains an indispensable source for scholars of food and civic culture in early America. De Voe, *The Market Book: Containing a Historical Account of the Public Markets in the Cities of New York, Boston, Philadelphia and Brooklyn...* (New York, 1862). See also Sean Wilentz, *Chants Democratic: New York City and the Rise of the American Working Class, 1788-1850* (New York: Oxford University Press, 1984), 137-138.

by virtue of municipal policies that treated leases as open ended. The extent to which the city defended this custom was evident in the case of butcher John Eckhart. Following many years serving customers at his Lexington Market stall, which he bought from the previous owner for \$500, he died in August 1819. Shortly before his death, his stall license expired and was not renewed by the payment of rent. Previously unsuccessful at securing proprietorship of his own stall, John Staylor took the opportunity to request a license from mayor Edward Johnson for the vacant stall. Johnson, satisfied that Staylor was a “regular Butcher” (or had served an apprenticeship) and “an orderly and respectable person,” granted the license. For the next year Staylor sold various meats at Lexington Market, until the administrator of Eckhart’s estate arrived in town to contest Staylor’s claim. Arguing that the longstanding custom of “good will” entitled Eckhart’s descendants to equity in the stall, placing it “beyond the reach of legal coercion,” the administrator demanded the revocation of Staylor’s license. The “large sum” Eckhart had paid for his “equitable privilege ... was not a matter of mere nominal import or only speculative value, but an object of heavy cost.” The administrator had already sold Eckhart’s two other stalls in Centre and Hanover Market and wished to do the same with this one.⁸¹

In a counterpetition, Staylor argued that he had stepped forward to take possession of the stall only once it was determined Eckhart had no relatives in the country, let alone the city. “I am a native citizen of Baltimore, willing to confer every labor in my line of business towards the general good of my fellow citizens,” he wrote, while his opponents have “never left their German lands to breath the air of this our native country.” The administrator countered that Mayor Johnson had granted Staylor a

⁸¹ City Council Records, 1821:436, 437, 438, BCA.

license only as a temporary privilege until a final decision could be made on the stall's ownership. In the end, Baltimore's city council sided with the claim of Eckhart's heirs. Their opinion acknowledged "the invariable custom for holders of Butcher's stalls ... to sell what is commonly called the good will of such stalls." In defending the custom of treating butcher stalls as a form of private property, however, the report emphasized that "the corporation has a clear and indisputable right to put an end to this practice." To do so would enable the corporation to hold more frequent auctions for vacated stalls, which would drive prices up and provide more income to the city. Yet until the custom could be "abolished entirely, it ought to be protected in all cases." Once the corporation had enabled market venders to view themselves as holding property in the market, rather than simply occupying space in it, there was little the city could do to reassert total control over the marketplace. The custom of good will—a concept that also had currency in Philadelphia—continued to exert influence over spatial and social relations in the marketplace.⁸²

Conflicts over public and private understandings of the marketplace played out in other ways. The rate at which the city made repairs or improvements to market houses could only be described as painstaking. After initial approval of a petition requesting alterations, months passed while contractors submitted proposals, joint committees met and approved bids, councils directed regular or special funds from the annual appropriation, and materials were assembled from sources near and far. Impatient venders requested the power to take improvements into their own hands, offering to "fit up" their stalls or parts of the market house on their own account and in a style compatible with the rest of the space. One petitioner not associated with the market asked

⁸² City Council Records, 1821:436, 437, 438, 572, 1829:932, 1847:463, 736, BCA.

permission to erect an additional story over Fells Point Market in 1837 to house a militia company.⁸³

Other market occupants requested compensation when alterations undermined the visibility and value of their stalls. A group of butchers holding corner stalls in Belair Market were dismayed to learn of a proposal to add four new stalls on the market's central avenue. The addition would siphon off customers as well as eliminate the advantage of holding a corner stall, due to the concomitant narrowing of the avenue, thereby "destroy[ing] that which we purchased them for." Two Centre Market butchers sought compensation for erecting siding to protect to them and customers from the "exposed situation" of their stalls to "the winter snows," something they considered an improvement of a "public nature." Having "been raised to the victualing business and having no other means of support," the two "were compelled to pay a high price for the stalls," over \$700 each. One of the men was Robert Lawson, Jr., son of the former clerk of Centre Market.⁸⁴ Municipal officials resisted efforts of venders to exert ownership of the physical marketplace. They dismissed requests of victuallers to "fit up" market houses on the grounds that the state had invested all power to govern the markets in the city corporation. Uniformity of construction was one reason set forth, but concerns about preserving public markets as a source of municipal revenue loomed large in their considerations.⁸⁵

The frequently raised question of when to hold market days provides a window onto the public's competing claims to the public market as an economic space.

⁸³ City Council Records, BCA, 1833:621, 1070, 1837:945A; Mayor's Correspondence, 1837:446, BCA; *Matchett's Baltimore Directory for 1837-1838* (Baltimore, 1837).

⁸⁴ City Council Records, 1843:319, 322, BCA.

⁸⁵ *Hazard's Register*, March 21, 1829; City Council Records, 1833:754, BCA; Jacob H. Hollander, *The Financial History of Baltimore* (Baltimore: Johns Hopkins University Press, 1899), 86, 171.

Authorities readily noted that the days and times during which markets were held were fixed by “custom” and thus had earned a degree of semi-permanence. City officials were hesitant to alter market days not out of blind adherence to custom, however, but more practically to ensure that the different market houses of the city were as well attended as possible. This meant not having two markets open on the same day, as far as possible. “The Market days for each market has long been established both by Law & Custom,” rendering it “unwise and impolite” to change them, an 1830 report averred. Moreover, any change “would materially effect the receipts in the Treasury from said market.”⁸⁶ Nevertheless, times changed. Innovations in street lighting loosened certain constraints on work patterns, while transportation improvements sought to eliminate temporal limitations altogether, transforming the conveyance of goods big and small to market. Citizens became more conscious of the hours of the day, furnishing their houses and pockets with clocks, brought to them by itinerant peddlers, and allocating their precious and finite resource accordingly. Time had become thoroughly commodified by the time residents of northeast Baltimore debated whether to make Belair Market a morning or afternoon market in 1849.⁸⁷

Baltimore lawmakers were ill disposed to alter established market days and hours, agreeing with an 1840 petition that viewed a proposed change in Belair Market’s days of operation as “hav[ing] a tendency to destroy the Fells Point Market” due to competition. Physical proximity was not the only issue, as the municipal market system invariably

⁸⁶ City Council Records, 1830:809, 1848:333, BCA.

⁸⁷ E. P. Thompson, “Time, Work-Discipline, and Industrial Capitalism,” *Past & Present* 38, no. 1 (1967): 56-97; George Rogers Taylor, *The Transportation Revolution, 1815-1860* (New York: Harper Torchbooks, 1951); Thomas M. Allen, *A Republic in Time: Temporality & Social Imagination in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 2008); David Jaffee, *A New Nation of Goods: The Material Culture of Early America* (Philadelphia: University of Pennsylvania Press, 2010), 147-187.

privileged the larger markets with more farmers and customers. Across town from Lexington Market, neighbors of Fells Point Market asked relief from “the inconveniencies and privations” of having overlapping market days.⁸⁸ Despite the reluctance of authorities, Baltimoreans pressed more insistently in the 1840s and 1850s for more flexible market hours. As a neighborhood marketplace along the northeastern edges of town that had come to be encircled by an extensive population, Belair Market became the subject of particularly extensive debates over market days and hours from 1840 to 1850. After dozens of petitions amassed thousands of signatures, the city council acquiesced in 1850, reporting “that if the law were so altered as to make it a Tuesday and Friday morning market instead of an afternoon market, the committee think not only the interests of the market, but those of the whole of that section of the city would be greatly promoted.” More vitally, it admitted the power of marketers to take matters into their own hands: “Although it is by law an evening market it is apparent to every one that it can never become so in reality.”⁸⁹

The debates concerning Belair Market’s establishment as a morning market illustrated conflicting standards of “convenience.” In 1842, butchers called for its continuation as an evening market so they could attend their stalls at Lexington and Fells Point Markets, while dealers and venders of meal pledged that a morning market would prove a “mutual benefit” to buyers and sellers.⁹⁰ Seven years later, however, butchers led the morning market charge. As a result of “the arbitrary & unlawful stand taken by a certain class,” one petition wrote of the butchers, the market had “drooped from its former prosperous condition,” and the neighborhood “suffered a loss in trade of at least

⁸⁸ City Council Records, 1840:320, 502, 504, 1818:450, BCA.

⁸⁹ City Council Records, 1850:793, 1849:911, BCA; No. 13 (1851), *Ordinances of Baltimore*.

⁹⁰ City Council Records, 1842:357, 356, BCA.

\$100,000.” It called for “a just discrimination ... between taxpaying citizens wishes & those of needy speculators.”⁹¹ Deadpanning that “there is a supply of Butchers meat, but man does not live on meat alone,” another petition bemoaned that legislation to make Belair a morning market “tend[ed] to lessen the value of real estate ... and produce inconvenience to every housekeeper.”⁹² What was convenient to one group of customers or venders was not to another, nor was it consistent over time.

Most consumers, it seems, agreed that a morning market proved more convenient. “That the people are in favor of the morning market,” George Kennard and about 250 others deduced, “is evident from the fact that in spite of opposition from other quarters, the market is slowly to be sure but steadaily increasing in prosperity.”⁹³ Conflating convenience and public health, an 1848 petition complained that vegetables, butter, eggs, and fruit were “exposed to a boiling sun, for the greater part of an afternoon, much of it too having perhaps been exposed for sale in the morning at other markets.” Writing a few months before cholera visited Baltimore, the prescient petitioners feared “that the vegetables & eggs & small fruits so exposed” were likely to become “impregnated with disease, to the great detriment of the citizens.”⁹⁴ Another petition of 75 residents of Old Town noted that “a large majority of us are mechanicks and Labouring men and under our present sistem of Labour the change would enable us to attend market in the morning

⁹¹ City Council Records, 1850:416, 1849:630, 631, 634, BCA. The reason for the butchers’ about-face is unclear, though it may have reflected that Belair Market had become an important market hub of its own after being expanded and rebuilt in 1844-1845.

⁹² City Council Records, 1850:417, BCA.

⁹³ City Council Records, 1849:413, BCA.

⁹⁴ City Council Records, 1849:628, BCA. The petition, missing its first page, apparently was laid over from an extra session in late 1848. A report on the cholera epidemic in Baltimore, which fared better than many other cities, identified no particular role of the city’s markets in the outbreak aside from the “sporadic cholera” that occurred almost every summer “when the early fruits and vegetables are first brought to our market.” The connection between cholera and the water used to rinse produce remained elusive. Thomas H. Buckler, *A History of Epidemic Cholera, as It Appeared at the Baltimore City and County Alms-House, in the Summer of 1849* (Baltimore, 1851), 4.

and get to our work at the usual hour, thereby saving our wives the unpleasant duty of exposing themselves to the heat of the sun in the warmest part of the day.” This calculated allusion to their wives’ frailty aside, however, women were not mere bystanders to the Belair Market question.⁹⁵

Reflecting their increasing stature as household consumers, women engaged in the debates, circulating several of their own petitions as well as signing others drawn up by male petitioners. Indeed, the petition drive of the late 1840s served as one of the most forceful and public articulations of women’s authority as consumers in Baltimore before the Civil War. Their three extant petitions, two for the morning market and one against it, drew the signatures of more than 700 women. The *Sun* took notice and reported “that ladies are arrayed in the case with considerable spirit and interest on each side.” Their “spirit” registered not only in formal political appeals but also in household-level politics, as another observer wrote that the debate left “families ... arrayed against families, and in one case at least husband against the wife.”⁹⁶ Two petitions justified women’s involvement by noting that they largely were responsible for shopping at Belair Market. “As it devolves upon us in a great measure to attend the said market for the purpose of purchasing market for our families,” Mary Ann Hopkins and 300 other “Ladies of Old Town” urged the city council to keep it an afternoon market. Lucretia Bond and 250 women defended their plea for a morning market: “We are as much interested as any other in this change, and as the duty of purchasing principally devolves on the ladies, we as purchasers at this market, ask that some attention be paid to our convenience.”⁹⁷

⁹⁵ City Council Records, 1849:632, BCA.

⁹⁶ *Sun*, May 18 and 17, 1848; For an example of a petition signed by both men and women (with over 1,000 signatures total), see City Council Records, 1849:626, BCA.

⁹⁷ City Council Records, 1849:629, 621, BCA.

Indeed, convenience lay at the heart of most appeals concerning Belair Market, but nowhere more so than in women's petitions, which could simultaneously deploy the concept as a means of deferring to male authority and carving out an autonomous space for female consumers. In adopting the political identity of consumer-citizens, female petitioners diverged from the men's petitions, which called for the need to advance the commercial interests of the neighborhood and city. In their petition, which was drawn up at a meeting held in the market house, Bond and the other morning market women called for the city council and mayor to "consult our own convenience, rather than of persons who reside in a different section of the city, and who never deal in, are certainly not to have their wishes preferred to those who do encourage, the Belle Air Market."⁹⁸ Other women also demanded their convenience be privileged. "Gentlemen, we the undersigned Ladyes residing adjacent to Bellair Market," Mary Rennolds and 90 women wrote, detailing the "great inconvenience we have heretofore experienced" as a result of afternoon markets, including "exposure to the heat in summer which we have been compelled to endure" and "the Stale State of nearly every thing we can buy on an afternoon." Rennolds and others resisted outlining "many other great and weighty reasons" but still felt "assured that you will look well to our intrest and convenience and not, along to the intrest and convenience of the citizens of Baltimore and Harford counties" asking for an afternoon market.⁹⁹

As this suggests, the issue of convenience also mobilized rural producers. Elisha

⁹⁸ City Council Records, 1849:621, 624, BCA.

⁹⁹ City Council Records, 1849:627, BCA. With the women's petitions, it proves more difficult to ascertain the class composition of the signatories. It appears, however, that Rennolds and many of the others were working-class women. While she was not listed in the 1849 city directory, a carpenter, L. H. Rennolds (the only one listed with the surname), was listed as living at 74 McElderry and working at Forrest and Gay streets, both very close to Belair Market. *Matchett's Baltimore Director for 1849-50* (Baltimore, 1849).

Johnson and 200 other Baltimore and Harford county residents asked the city council “to take into consideration the interest and convenience of said counties.” A morning market would have required Johnson and others “to loose one more day in the trip” and ultimately “compelled [them] to abandon the market.” Nicholas Gulch demurred, informing the city council “that I have conversed with the Principal farmers & gardners within six miles of Baltimor and they are unanimous in saing give us a morning market.”¹⁰⁰ For city authorities, catering to the convenience of farmers was an increasingly vital concern, because improvements in transportation and the emergence of provision wholesalers offered new options for farmers looking to sell their food outside the traditional marketing system. Indeed, while the *Sun* mocked the “Insurrection at Bel Air” in 1848, assuring readers that there would be no “*émeute*” (riot) as in Paris, the prosaic matter of market hours illuminated larger contests about the most effective means of distributing food in the growing metropolis.¹⁰¹

Customary and legal restrictions on market days and hours thus confronted new social realities, and the latter reigned. It did so not through the intervention of abstract market forces, however, but through the persistence of urban residents who compelled officials to amend or eliminate time restrictions. Petitioners circulated with pen and paper through the streets of Baltimore and Philadelphia—quite possibly on market day, when streets were thronged—exhorting the city to change morning hours into afternoon hours, or moving market days from Monday and Thursday to Tuesday and Friday. As the agency tasked with synthesizing consumers’ and retailers’ competing visions and enacting its own, the city corporation juggled its own set of ideas about what services and

¹⁰⁰ City Council Records, 1849:635, 633, BCA.

¹⁰¹ “The Insurrection at Bel Air,” *Sun*, May 17, 1848.

interests the public market should prioritize. As Novak and others have shown, the rhetoric in market laws and ordinances enunciated an understanding of local and state governments' power to intervene in the market economy. From the examples already compiled, however, it was clear that whatever ground-level authority the city wielded over the public market was contingent on the ability or willingness of clerks, inspectors, and constables and watchmen to impose the law—and on the cooperation of the public in accepting the law's official interpretation and integrating it within its own vernacular understandings of urban space and political economy.

Conclusion: A new kind of market

In early 1837, the *Public Ledger* published a letter announcing a new generation of marketing in Philadelphia with the proposed establishment of the William Penn Market south of Spruce Street between Sixth and Seventh. “The term *Market* is altogether relative,” it continued, for the planned edifice bore little similarity to the market houses “familiar from our childhood, and which beside being unsightly, have been constructed without any regard to humanity.” Those “who would dare to subject the keeping even of an animal to the bleak and exposed condition of such market houses are common to *this city exclusively*, would not escape the censure of his fellow citizens.” As an “ornament to our city,” the William Penn Market promised comfortable surroundings covering a lot 396 by 192 feet. Each stall was to be equipped with access to a cellar for storage, but that was only the appetizer for the main course. There would be two dedicated rooms in the market house for the edification of farmers: one a general library and reading room, the other a museum of minerals and fossils that farmers found tilling the soil. The market

would be a boon not only to farmers and consumers, but also to the public as a whole, as it would supplant one of the city's most blighted blocks.¹⁰²

Organizing, planning, and financing the market's construction was not the city of Philadelphia, however, but a group of private citizens. A year earlier, a group of farmers, victuallers, and residents petitioned the select council to incorporate a company for the purpose of building a market house. Council members received the petition favorably, seeing a way to remove the hindrance in High Street. The council saw no conflict between public and private interest in the novel institution. "The founder of our city never intended High street to be obstructed by market houses," a report noted, "for he was justly proud of the wide street, which was designed for the main entrance from the west." It concluded that, "should the William Penn Market House be completed, and answer the expectations which may be reasonably anticipated, it will be a strong inducement for the erection of similar establishments in other sections of our city." By arranging it "upon a plan different from our present open market houses," the "enterprising citizens" responsible for its "architectural beauty" served up "an improvement highly beneficial to the southern section of our city." With "the removal and scattering" of the block's "many miserable buildings, and inhabited by a wretched population," the market house "would unquestionably become a great public benefit."¹⁰³ In March 1838, the state legislature passed a law incorporating the William Penn Market Company, with ground to be broken as soon as \$400,000 was raised by stocks.¹⁰⁴

Ground was never broken. Thwarted by the exertions of the "wretched

¹⁰² *Public Ledger*, Jan. 18, 1837; *New-York Spectator*, May 12, 1836.

¹⁰³ *Journal of the Select Council...* (Philadelphia, 1836), 130-131, 135, 141-142; *Public Ledger*, Dec. 19, 1836.

¹⁰⁴ "An Act to Incorporate the William Penn Market Company, and for other purposes" (1838), *Session Laws of Pennsylvania*.

population,” the company died a quiet death in the aftermath of the publication of a pamphlet entitled, *A Caution to the Public: The Project of the William Penn Market is Wholly Impracticable, and the Charter of the Company is Unconstitutional and Void* (1838). Assisted by the counsel of congressman Joseph Reed Ingersoll, the block’s residents swayed public opinion that the William Penn Market was hardly a public improvement, but rather a “visionary and illegal project.” They were “unwilling to give up their possessions to a few eager speculators in corporation experiment.” Just as important, Ingersoll noted that the city would have minimal power over “the government and good order” of the proposed market house. City appointed inspectors would weigh and check for impurities, but this they did in private stores, as well. Power of eviction was permitted for public improvements, but this was a private corporation driven by private interests.¹⁰⁵

The experiment of the William Penn Market represented a logical next step for market venders accustomed to a sense of ownership in the public market. It was yet another instance of the blurring of public and private in the marketplace, even if a more dramatic example by virtue of trying to evict over a thousand fellow citizens. In any event, many of these issues—the desire of victuallers and farmers to assert greater control over their spaces of trade, the increasing willingness of the city corporation to let them, visions of traditional market houses as dilapidated nuisances that thwarted commercial development (particularly by the railroad, which also sought access to the streets), and the ways that market proponents portrayed the “wretched” inhabitants of the block—

¹⁰⁵ *A Caution to the Public: The Project of the William Penn Market is Wholly Impracticable, and the Charter of the Company is Unconstitutional and Void* (Philadelphia, 1838), 3, 10, 11; *Public Ledger*, April 4, 1838. For wider debates over incorporation, see Andrew M. Schocket, *Founding Corporate Power in Early National Philadelphia* (Dekalb: Northern Illinois University, 2007).

continued to germinate. By the 1850s, these issues would burst forth in a renewed attempt to replace High Street Market with modern market houses more conveniently located throughout the city. To understand how the initial William Penn Market plan originated, as well as how later plans succeeded in its place, it is necessary to tread out from underneath the roof of the market house and explore other spaces of the civic economy, beginning with shops and sidewalks.



Fig. 1.1. High Street & Market Shambles, facing towards the Delaware River, circa 18th century. The jail stands in the foreground, with a pilloried slave in front.



Fig. 1.2. "View of the Market Space—Canal," insert detail from Warner & Hanna's *Plan of the City and Environs of Baltimore*, 1801. The canal is lined by speculative rowhouses built by Thomas McElderry and Cumberland Dugan on their wharves.



Fig. 1.3. William Birch, “High Street Market, Philadelphia,” ca. 1800. A sparsely populated view of an otherwise vibrant space.



Fig. 1.4. "Bird's Eye View of Philadelphia," circa 1840. High Street Market (center-right) remains a focal point, but increasingly it is being swallowed by commercial development, represented in the swarm of steam and sail ships.

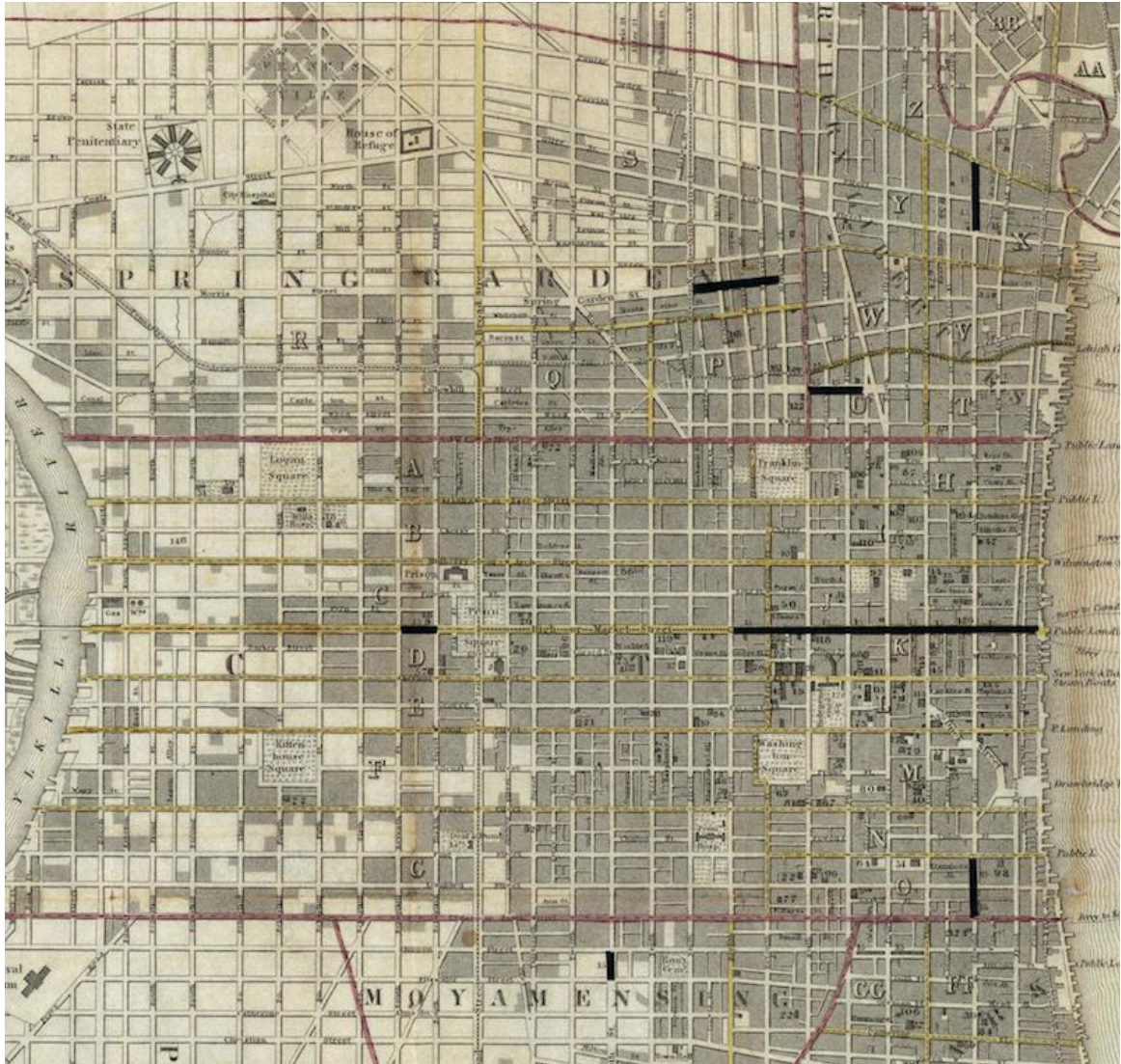


Fig. 1.5. Philadelphia's market houses, 1840. Adapted from Henry S. Tanner, *A New Picture of Philadelphia* (1840). High Street Market (1693) is in the center-right of the map, with North Second Street (1800) and South Second Street (1745) markets running perpendicular to it on the city's eastern end.

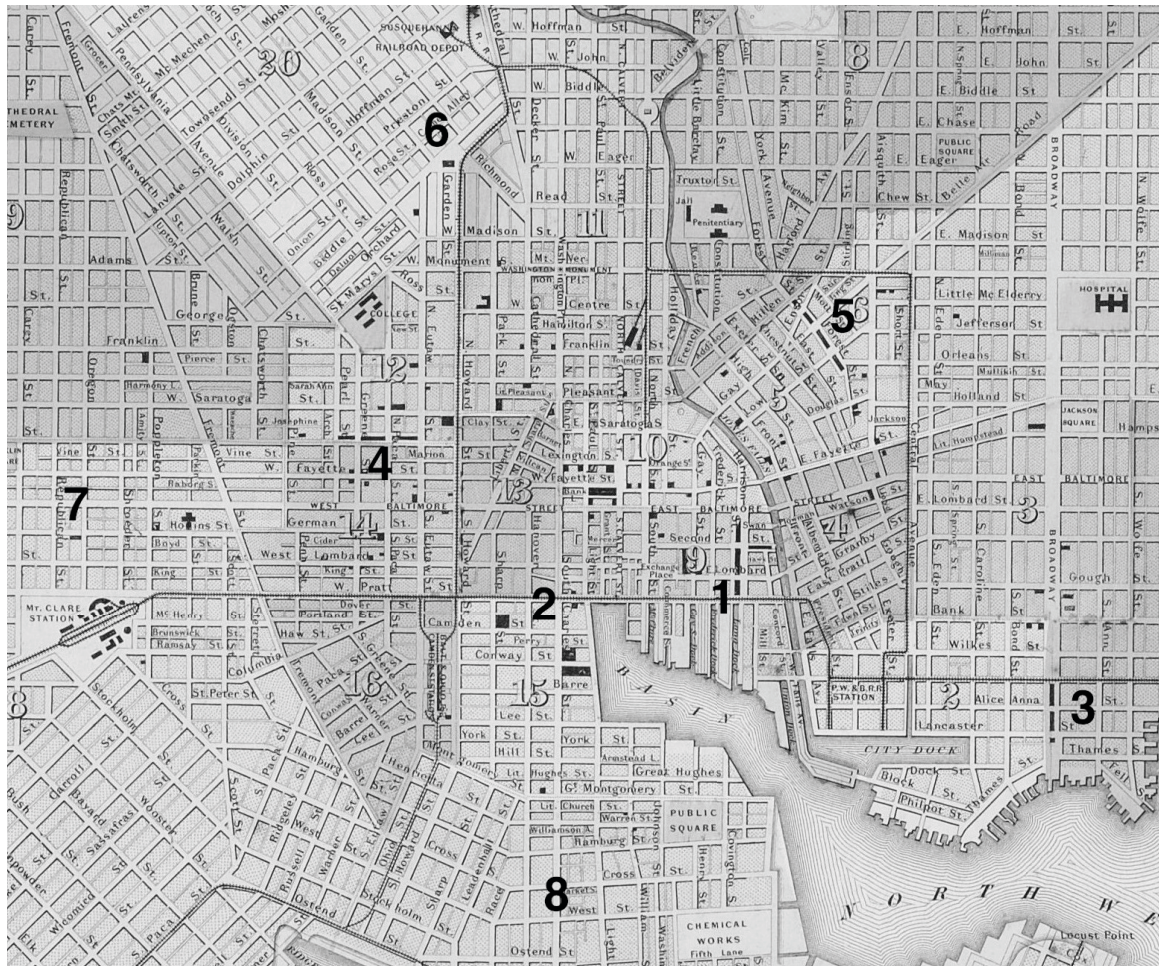


Fig. 1.6. Baltimore's market houses, circa 1855. Adapted from *Colton's City of Baltimore* (1855). 1. Centre (1763), 2. Hanover (1784), 3. Fells Point (1784), 4. Lexington (ca. 1784), 5. Belair (1819), 6. Richmond (1834), 7. Hollins (1839), 8. Federal Hill (1845).



Fig. 1.8. Centre Market and Fountain, from Fielding Lucas, *Picture of Baltimore* (1842). Social and commercial activity bursts out of the market's regulated boundaries, with white and black marketeers assembled without differentiation.

Chapter Two: Licensing Power

As the public faces of the license system, Baltimore's city court clerks and registers earned the bulk of their salaries every May. The rush to take out or renew licenses during a short window that month lent a palpable rhythm to the business life of the city. Numerous city and state offices charged with the responsibility to license most of the city's traders and tradespeople published newspaper advertisements in the weeks leading up to "the license season," in which they informed licensees of where and when to apply, as well as the fines to be levied upon those failing to renew. And, with some notable exceptions, thousands of men and women intending to sell their goods, accommodations, or labor made their annual pilgrimage to the appropriate offices. "The mass of business people in Baltimore," the *Sun* noted, was familiar with the month "as the annual period for the renewal of licenses."¹ Another article advised applicants to avoid "a big crowd and a long wait" by arriving early, or "the rush will be so great that some may not be served."² Many applicants carried with them into the court a bundle of documents that attested to their financial and moral solvency, including letters signed by community members that were themselves products of social negotiation.

As deadlines approached, licensing offices took on the appearance of the public market on Saturday morning. Confusion and delay typically accompanied any alterations to license laws. On the last day to apply for licenses in 1858, an observer noted, "The office of the clerk of the Court of Common Pleas was besieged ... by hundreds of persons, who blocked up every portion of the counter, and frequently the entrance ways, eager to

¹ *Sun*, April 24, 1845. For similar notices, see *Gazette and Daily Advertiser* (Baltimore), May 8, 1830, May 4, 1836; *Sun*, May 4, 1846, April 13, 1850; *Inquirer* (Philadelphia), May 1, 1862.

² *Sun*, May 4, 1850.

obtain their licenses.” They may have been hoping for last-minute deliverance from the new license law, which had “so greatly increased the price of liquor licenses that very small restaurants and store-keepers are either unable or unwilling to take out a license at all.”³ Some may have been scrambling to secure the necessary funds for the license, which had become one of the greatest operating expenses for many of these petty entrepreneurs. Indeed, the 1858 law singled out the smallest retailers of beer and liquor. For keepers of “oysters houses, cook shops, victualing houses, and lager beer saloons” who paid less than \$50 a month in rent, the license cost \$50; for those who rented their ordinaries for \$300 to \$500 a month, it was \$150, or less than half the relative cost of the smaller retailers.⁴

Whatever the individual reasons for waiting until the last moment, the scene at the clerk’s office was an apt illustration of men and women navigating a legal and social system that did not view all trades—or even everyone engaged in the same trade—as equally beneficial to the civic economy. As the system of occupational licensing expanded in the early republic to encompass a wide spectrum of commercial activity, the license itself was imbued with a range of new meanings. While the Supreme Court in 1866 would declare licenses to be “mere receipts for taxes” paid by the licensee, for most of the antebellum period, at least at the local level, this was not the prevailing view.⁵ Indeed, the system of licensing created one of the most robust points of contact between the state and the people, as the scene at the Baltimore clerk’s office indicates. Licensed men and women possessed certain expectations of what their licenses conferred and made

³ *Sun*, May 11, 1858.

⁴ *Sun*, March 15, 1858; Ch. 414 (1858), *Session Laws of Maryland*. In the previous license law, keepers whose rent was less than \$100 a month paid \$25 for their licenses, while those renting for \$250-\$500 paid \$60 for licenses.

⁵ *License Tax Cases* (1866), 72 U.S. 462.

demands of city and state authorities accordingly. To those paying for licenses, the “mere receipt” was more than a permission slip. Rather, the license symbolized their right to engage in fair competition with other licensed traders. For their part, municipal and state legislatures and courts asserted the power to rescind licenses at any time and for any reason, viewing the license not as a contract between parties but as a temporary (and annually renewable) privilege.⁶

Similarly, not all licenses were created equal. As can be gleaned from the sheer variety of trades it encompassed, the license system was a dynamic and mutable instrument of regulation. Its flexibility was manifested in a warren of license laws that differed markedly from city to city and from state to state, to such an extent that one writer remarked in 1861 “that it is impossible to state any general principles by which they are governed.” Another late-nineteenth-century expert agreed: “The laws of the respective States are so varied upon this subject that few general principles can be extracted.”⁷ Licensing thus embodied the prevailing strain of localism that ran through antebellum legal culture, the contours of which, Laura Edwards shows, were deeply inscribed by local situations, customs, and power dynamics.⁸ One consequence of licensing’s numerous iterations and applications is the reticence of scholars to engage fully with such “an enormous and messy topic.” This has prompted some historians to

⁶ Thomas M. Cooley, *A Treatise on the Law of Taxation* (Chicago, 1876), 407.

⁷ “License,” in *The New American Cyclopaedia*, eds. George Ripley and Charles A. Dana (New York, 1861), 10:501; Theodore W. Dwight, “License Laws,” in *Johnson’s Universal Cyclopaedia: A Scientific and Popular Treasury of Useful Knowledge*, eds. Frederick A. P. Bernard and Arnold Guyot (New York, 1889-1890), 4:799. The multiplicity of license laws, particularly those relating to liquor, could prove a challenge for lawyers and judges who sought precedence. As an 1890 treatise noted, “The authority of municipalities to license, tax, restrain, or prohibit” liquor “is so differently conferred, and so largely influenced by the general legislation and policy of the State ... that the decisions relating to it are mostly of local application.” John F. Dillon, *Commentaries on the Law of Municipal Corporations*, 4th edn. (Boston, 1890), 1:430-431.

⁸ Laura Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: University of North Carolina Press, 2009).

regard licensing often “as nothing more than a means of revenue.”⁹ What dedicated studies of licensing do exist date from the late nineteenth and early twentieth centuries, when states and localities sought to augment their licensing powers, the prohibition movement sprang to life, and legal theorists looked to explain newer developments in taxation, criminal justice, and municipal administration.¹⁰ Antebellum treatises seldom addressed the practice of licensing directly, though this most likely suggests an implicit acknowledgment that licenses served a wide array of ends, and thus frustrated any attempts at generalization, rather than out of disinterest.¹¹

There has been, however, a major exception to the licensing lacuna: liquor. Indeed, most studies of late-eighteenth- and early-nineteenth-century licensing focus almost exclusively on taverns and temperance reform. Scholars of economic regulation, from Louis Hartz to William Novak, have devoted the majority of their examinations of licensing to the controversies over liquor retailing.¹² This should not surprise, for liquor

⁹ William J. Novak, *The People's Welfare: Law and Regulation in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 1996), 288, n. 34; Leonard P. Curry, *The Corporate City: The American City as a Political Entity, 1800-1850* (Westport, CT: Greenwood Press, 1997), 211.

¹⁰ Cooley, *Law of Taxation*, 384-415; “License,” in *The American and English Encyclopaedia of Law*, ed. John Houston Merrill (Northport, NY, 1890), 13:514-557; Dillon, *Law of Municipal Corporations*, 1:423-434; Ernst Freund, *Administrative Powers Over Persons and Property: A Comparative Survey* (Chicago, 1928), 59-128; Freund, “Licensing,” in *Encyclopaedia of the Social Sciences*, eds. Edwin R. A. Seligman and Alvin Johnson (New York, 1933), 9:447-451; Freund, *Cases on Administrative Law, Selected from Decisions of English and American Courts* (St. Paul, MN, 1911), 33-40; Ripley and Dana, “License,” 501-502; Theodore W. Dwight, *Commentaries on the Law of Persons and Personal Property* (Boston, 1894), 433-438, 526-530; “Power of State to Exact Licenses, and Charge Therefor,” *The American Decisions* 52 (San Francisco, 1886), 331-335; Dwight, “License Laws,” 799. For a critique of Cooley and Dillon’s treatises as they pertained to municipal law, see Edwin A. Gere, Jr., “Dillon’s Rule and the Cooley Doctrine: Reflections of the Political Culture,” *Journal of Urban History* 8 (May 1982): 271-298.

¹¹ See, for instance, Nathan Dane, *A General Abridgement and Digest of American Law*, 9 vols. (Boston, 1824-1829); James Kent, *Commentaries on American Law*, 4 vols. (New York, 1826-1830); Joel Prentiss Bishop, *Commentaries on the Criminal Law*, 2 vols., 2nd ed. (Boston, 1858), 1:382-383, 422-423, 550-551; 2:655-678 (esp. 659-663).

¹² Louis Hartz, *Economic Policy and Democratic Thought: Pennsylvania, 1776-1860* (Cambridge, MA: Harvard University Press, 1948), 204-219; Novak, *People's Welfare*, 172-177. See also Ian R. Tyrrell, *Sobering Up: From Temperance to Prohibition in Antebellum America, 1800-1860* (Westport, CT: Greenwood Press, 1979), 227-230, 254-259; Robin L. Einhorn, *Property Rules: Political Economy in Chicago, 1833-1872* (Chicago, 1991), 22, 145-155.

loomed large in antebellum popular thought about licensing, as well. But the animated debates over tavern licensing between 1830 and 1860 grew out of a larger conversation about local and state license laws. Re-situating the temperance attack on liquor licensing within context of the civic economy sheds light on another antebellum development: liberalism. In particular, licensing adds dimension to Amy Dru Stanley's forceful argument that liberalism, based on "the idea of personal volition," became bound up in "the orthodoxy of market economics" in the late-eighteenth and early-nineteenth century. It thus evolved into a "worldview" that "idealized ownership of self and voluntary exchange between individuals who were formally equal and free." Stanley points to the dominance of the economic contract (as opposed to the older political compact) in antebellum thought as the defining feature of nineteenth-century liberalism.¹³ Petitioners' use of the language of contract demonstrates how thoroughly this worldview saturated the civic economy, decades before abolitionists (whom Stanley most identifies with the shift) deployed a contract argument to champion free labor. By moving outward from the public market and examining the many other spaces of the urban marketplace, the broader social implications of the civic economy—and its emphasis on a contractual relationship between the license-holder and the state—come into view.

I. Objects of licensing

Informed by his neighbor that he "must not work at my trade as usual, without first going to some officer of government, take a license and pay for it," an Annapolis shoemaker vented his frustrations to the press: "Go to gaol! – be fined! take a license ! to

¹³ Amy Dru Stanley, *From Bondage to Contract: Wage Labor, Marriage, and the Market in the Age of Slave Emancipation* (Cambridge: Cambridge University Press, 1998), 5, 13, x.

work in my shop and earn bread for my children. Are we free? Is this liberty? or am I dreaming?” Writing in the immediate wake of the War of 1812, he wondered if he had ridden “like a witch on a broom-stick” and magically landed in the “tyrannical government of England.”¹⁴ Since the Restoration, authorities at every level of English government had been employing the license system to regulate “houses” offering coffee, plays, dramas, and a witch’s brew of seditious discussion. In so doing, they engineered “social control through selective taxation,” in the words of one historian.¹⁵ Licensing was among numerous common law practices that migrated to North America with British colonists and adapted to different social, economic, and political conditions.

The first decades of the nineteenth century witnessed a rising tide of license laws, as municipal corporations acquired more autonomy from state legislatures to institute their own licensing systems. Starting from their articles of incorporation, Philadelphia and Baltimore lawmakers adopted license requirements for a wide assortment of trades from the late 1790s to 1820s, including taverns, gaming establishments, public entertainments, appointed or hired public officials (from market clerks to chimneysweeps), common carriers (including ferries, hacks, carts, and drays), commission merchants (such as auctioneers), and brokers.¹⁶ Moreover, most retailers had to procure a trader’s license from the municipal or state government. This was particularly true of Maryland, which enacted the most extensive license system in antebellum America, cresting with an 1827 law that mandated a license for anyone selling

¹⁴ *Maryland Gazette*, April 13, 1815.

¹⁵ Brian Cowen, *The Social Life of Coffee: The Emergence of the British Coffeehouse* (New Haven: Yale University Press, 2005), 184-191 (quote 191). See also Sidney and Beatrice Webb, *The History of Liquor Licensing in England Principally from 1700 to 1830* (London, 1903).

¹⁶ Ch. 1383 (1789), *Laws of Pennsylvania*; Ch. 68 (1796), Ch. 54 (1797), *Session Laws of Maryland*.

any dry goods, groceries, spirituous or fermented liquor, imported dried fruit, glass, crockery, hardware, drugs, or medicines, paints, printed books, stationery, saddlery, gold, silver or plated ware, jewelry, toys, wearing apparel, salted provisions, grain, meal, flour, timber, tobacco, cotton, leather, hides, lime, wrought or cast iron, copper or tin, or any other kind of goods, wares or merchandise, foreign or domestic.¹⁷

This exhaustive list points to two things. First, it highlights the degree to which local and state authorities viewed licensing as a legitimate intervention in the market economy, whatever their intentions. Second, and more vitally, it signals something about those intentions, which were almost as diverse as the commodities themselves.

As municipal corporations and state legislatures expanded the corpus of license laws in the early republic, they had in mind four general objectives. The first and most evident was taxation. License fees, along with duties, tolls, and rents from commercial facilities like markets and wharves, formed the basis of municipal taxation in early-modern England, in contrast to the property or poll taxes implemented in agricultural areas. British-American municipalities initially drew upon similar revenue sources, but as services like lighting, policing, and street paving fell under municipal control in the second half of the eighteenth century, an increasing number of colonies established property taxes in towns. Nevertheless, cities like Baltimore and Philadelphia only occasionally resorted to property taxes before the 1840s or 1850s, instead continuing to rely on a battery of more selective or direct fees like licenses. According to a historian of Baltimore municipal finance, license revenue, which was negligible before incorporation, “came ultimately to form an important item in the municipal budget” in the first third of

¹⁷ Ch. 117 (1827), *Session Laws of Maryland*.

the nineteenth century.¹⁸

As forms of taxation, licenses were designed to fund specific services directly or indirectly associated with the occupation. Most obvious were the fees required to transport people and goods through the streets. Municipal lawmakers calibrated license fees for carts, wagons, and carriages according to their purpose (passenger or freight traffic), size, number and width of wheels, and number of draught animals. This was in part because larger vehicles contributed more to the constant need for road repairs. Licensing also sponsored the use of certain vehicles or wheels that would better preserve roads, as in the case of an 1801 Baltimore law entitled, “An ordinance to encourage the introduction and use of broad wheels.”¹⁹ Common carriers complained that differential fees “cannot but operate in a measure unequally.” Taxing only the wagons of those who lived within the city boundaries, a group of wealthier merchants complained in 1799, was “a boon which their neighbors removed only one foot beyond this ideal mark can with impunity enjoy.”²⁰ Despite similar protests throughout the period, the municipal government, and most citizens, agreed that license fees should be graduated according to the degree to which carriers used (and used up) one of the most vital public resources, the street.

Considerations of revenue lurked behind virtually all forms of licensing. Even when licenses were employed to curb social dangers like alcohol, gaming, and dogs, the fees went directly to the regulation of those activities. A portion of tavern license revenue

¹⁸ Jacob H. Hollander, *The Financial History of Baltimore* (Baltimore, 1899), 78; Jon C. Teafor, *The Municipal Revolution in America: Origins of Modern Urban Government, 1650-1825* (Chicago: University of Chicago Press, 1975), 13-14, 55; Robin L. Einhorn, *American Taxation, American Slavery* (Chicago: University of Chicago Press, 2006), 6, 111, 230.

¹⁹ No. 26 (1801), No. 5 (1799), *Ordinances of Baltimore*.

²⁰ City Council Records, 1825:140, 1799:191, 192, 1811:302, 1826:449, BCA.

was allocated to the construction of new jails and public dispensaries, the need for which was viewed as stemming directly from the social ills of alcohol. Dog taxes paid for the costs of hiring men and boys to catch, impound, and kill dogs.²¹ License taxes also assisted in the expansion of the municipal government itself from the 1790s onward. With more regulation came the need for more public employees like assistant market clerks and a bevy of product inspectors. Most of these officials earned part or most of their income from a variety of fees and penalties they levied, which could prove quite lucrative for some. To counterbalance the power and wealth that could be wielded by some of the best-positioned bureaucrats, Baltimore lawmakers assessed license taxes of most of its civil servants. Doing a brisk business, flour inspectors paid the largest annual fee, which as early as 1803 was \$500 (raised from \$100 in 1798).²² As with the common carriers, public officials routinely grumbled about exorbitant licenses cutting into their bottom line. Nevertheless, the licensing of public offices continued to serve as a principal means by which lawmakers created a funding feedback loop for the expanding municipal bureaucracy.

Common carrier, tavern, and dog licenses indicate a second application beyond revenue: legibility. Licenses contributed to a broader effort to account for and govern an increasingly mobile and anonymous urban population in the early republic, when municipal police forces remained small and fragmentary. Requiring carriers, tavernkeepers, and dog owners to prominently display their licenses facilitated their regulation by city police as well as residents, who could choose not to do business with

²¹ No. 53 (1797), No. 23 (1799), No. 8 (1809), No. 35 (1819), *Ordinances of Baltimore*.

²² No. 27 (1803), No. 84 (1798), *Ordinances of Baltimore*. Hollander, *Financial History*, 78-79; Camilla Townsend, *Tales of Two Cities: Race and Economic Culture in Early Republican North and South America* (Austin: University of Texas Press, 2000), 167.

certain traders or inform on infractions. Ordinances stipulated that all wagons, carts, hacks, drays, and boats be “numbered with plain and conspicuous figures, done with black paint on a white ground,” with the number assigned by the city clerk.²³ Leather dog collars included “a licensed number to be regularly furnished by the Register of the city.”²⁴ Enterprises including taverns, boarding houses, and theatres were directed to place their licenses in a location where visitors could see it. Peddlers and other itinerant traders were to have their licenses on them at all times and to produce it whenever asked by a public official.

Beyond enabling the regulation of specific trades, licenses were a means of managing population in a similar fashion as tax lists and census records. Marriage licenses, for instance, carried at most a nominal fee to offset costs of keeping records that afforded local and state governments an important glimpse into the nature of their populations. At a more practical level, the license system generated documentation—such as lists of those who rented market stalls—that enabled authorities to see who was partaking of certain municipal services, for how long, how much they paid, and whether they paid on time. Moreover, by documenting the names, homes, nativity, and physical features of peddlers and other commercial itinerants, licensing accounted for a highly migratory population that often eluded tax or census lists.²⁵

In antebellum Baltimore and Philadelphia, few groups were as routinely singled

²³ No. 16 (1826), *Ordinances of Baltimore*.

²⁴ No. 44 (1853), *Ordinances of Baltimore*.

²⁵ For an attempt to outline the political meanings of mobility in this period, see Mark Simpson, *Trafficking Subjects: The Politics of Mobility in Nineteenth-Century America* (Minneapolis: University of Minnesota Press, 2005). On the “management” of mobility and population as a historical development that can be traced in large part to Enlightenment developments in governance, see Victor Denis, “The Invention of Mobility and the History of the State,” *French Historical Studies* 29, no. 3 (Summer 2006): 359-377; Michel Foucault, *Security, Territory, Population: Lectures at the Collège de France, 1977-1978* (New York: Picador, 2007), 311-361.

out for their unlicensed movements as persons of color. This was especially true of African Americans engaged in trades based on mobility, such as carting, huckstering, and chimney sweeping, occupations in which a considerable number of free blacks worked.²⁶ Licensing offered white elites and slave owners a means to track and regulate the mobility of free persons of color in the state, where other attempts to pass laws constraining free blacks had failed. In concert with other legal instruments like vagrancy and apprenticeship laws, license laws that required free blacks to take out a license to engage in the trade of any agricultural products—and making the purchasing these goods from an unlicensed African American punishable under laws prohibiting the receiving of stolen goods—stymied their pursuit of economic independence, which rested upon their ability to pass from country to city and back.²⁷ Rural slaveholders, in particular, advocated licensing as a way to police black mobility and economy. Baltimore's pro-slavery weekly, *The American Farmer*, referred readers to a grand jury presentment in South Carolina that painted tippling houses (licensed or not) as spaces where "assaults and batteries, riots, affrays, homicides, trading with slaves, and receiving stolen goods" frequently occurred.²⁸ Another article tried to rouse owners into assisting "a revision of the license laws," exclaiming that "neighborhoods are again infested with grog-shops, where men grow rich notoriously by corrupting slaves and receiving stolen goods."²⁹ The supposed link between African Americans and theft, while bereft of fact, gave pro-

²⁶ See, for instance, Gary B. Nash, *Forging Freedom: The Formation of Philadelphia's Black Community, 1720-1840* (Cambridge, MA: Harvard University Press, 1988), 149-150.

²⁷ Jennifer Hull Dorsey, *Hirelings: African American Workers and Free Labor in Early Maryland* (Ithaca: Cornell University Press, 2011), 84.

²⁸ *American Farmer*, Nov. 13, 1839. Attempts to police slave mobility, along with the many meanings of slave mobility, are prominent themes in Anthony E. Kaye, *Joining Places: Slave Neighborhoods in the Old South* (Chapel Hill: University of North Carolina Press, 2007).

²⁹ *American Farmer*, Aug. 21, 1839. See also Ira Berlin, *Slaves Without Masters: The Free Negro in the Antebellum South* (New York: New Press, 1974), 241-243.

slavery proponents of licensing a handy justification, since pawnbrokers and tavern keepers—most closely identified with the fencing of stolen goods in the period—were licensed specifically to guard against theft.³⁰

The third and fourth objectives prompted the most frequent and wide-ranging debates over licensing and the nature of market governance in antebellum America: competition and the preservation of public morality, health, and safety. Both influenced the 1827 Maryland license law quoted above, which regulated a broad range of traders and commodities. Each commodity came with its own bundle of rationales for regulation—some primarily for reasons of health (such as drugs) or safety (timber), others for morality (liquor), and still others for taxation and competition (jewelry and flour). The inclusion of each commodity inspired new rounds of discussion amongst lawmakers and petitions from retailers and consumers. State and local legislators were often deliberate in crafting license laws, even if ambiguity remained in the final language.³¹ As in other areas of the civic economy, traders came within the purview of the state’s licensing authority for a multitude of reasons.

Not that authorities were forthcoming in explaining their rationale, for they had incentive to keep the internal logic of licensing somewhat opaque and fluid. So long as the license was construed as a “privilege” that emanated from the state’s broad police powers, rather than a tax implying a contractual relationship between the licensee and licensor, they could be quite selective in its application and revoke licenses at will. An early-twentieth-century legal theorist called licensing “the path of least resistance ... lend[ing] itself equally to wide discretion and to non-discretion, and private interests are

³⁰ Wendy A. Woloson, *In Hock: Pawning in America from Independence through the Great Depression* (Chicago: University of Chicago Press, 2009).

³¹ For an example of the back-and-forth between lawmakers over license fees, see *Patriot*, Feb. 20, 1824.

usually able to accommodate themselves to it without undue difficulty.”³² The postbellum jurist Thomas Cooley preferred legislation that explicitly prohibited activities deemed too dangerous to public safety or morality over “circuitous method[s]” like high license taxes. He agreed, however, that prohibition through exorbitant license fees were practical in cases where “the prohibition of an occupation which excites or gratifies the vices of large numbers of people, is met by a resistance so steady and powerful as to render the law wholly ineffectual.”³³

Yet the blurring of licensing’s many instrumentalities was problematic in practice, creating room for alternative interpretations of the valence of licenses in the civic economy. This was most evident in the ambiguous distinction between licensing and taxing. Even legal theorists writing with the benefit of hindsight prevaricated on the difference. “The distinction between a demand of money, under the police power, and one made under the power to tax,” Cooley wrote in 1876, “is not so much one of form as of substance. The proceedings may be the same in the two cases, though the purpose is entirely different. The one is made for regulation and the other for revenue.” The challenge of disentangling the license’s multiple instrumentalities, accrued over several centuries of British and American common law traditions and court decisions, most certainly eluded those not academically versed in the law. It was not as simple as to say licenses were instituted for regulation and taxes for revenue, as Cooley admitted: “Custom has much to do in determining whether certain classes of exactions are to be regarded as taxes or as duties imposed for regulation.”³⁴ But even if licensees did not

³² Freund, “Licensing,” 451.

³³ Cooley, *Law of Taxation*, 404.

³⁴ Cooley, *Law of Taxation*, 396-397. Elsewhere, Cooley wrote: “Many impolitic taxes are laid, and many unjust taxes, without any purpose to do what is not for the public interest, or what is unfair and unequal. A

grasp the particularities of licensing's meaning in common law, they knew how to shape its meaning in the civic economy.

Deciding whether licenses were to be classed primarily as taxes or as police regulations mattered because each generated a different set of expectations between the state and the individual. In his study of courts in early Massachusetts, Hendrik Hartog contends that lawmakers and citizens understood a license to be “private property,” not “an instrument of public authority,” by the end of the eighteenth century.³⁵ A closer inspection of antebellum contests in the courts and streets over licensing suggests this reading of the license system was not as universal as Hartog suggests. Many licensees did conceive of licenses as private property, and they objected when city and state authorities restricted their ability to transfer their licenses to others or revoked them altogether. The remainder of this chapter, however, concerns those who viewed licenses as the malleable (and social) documents they were and made strategic legal claims of the state accordingly (Fig. 2.1). To do so entailed navigating a legal labyrinth in which individuals defended their reputation in the courts, in petitions to lawmakers, and in public. Tensions between licensing's tax and police functions, and the liminal legal spaces that these tensions created for participants in the civic economy, animated antebellum debates over the nature of economic competition and the role of the state in policing public morality.

vast number of subjects are sometimes selected for taxation, because it is supposed justice requires it, when, had the same burden been laid upon a few, it would have been quite as just, quite as equally distributed, and the tax collected with greater economy.” *Ibid.*, 387-388. For a legal biography of Cooley, see Paul D. Carrington, “Law as ‘The Common Thoughts of Men’: The Law-Teaching and Judging of Thomas McIntyre Cooley,” *Stanford Law Review* 49, no. 3 (Feb. 1997): 495-546.

³⁵ Hendrik Hartog, “The Public Law of a County Court: Judicial Government in Eighteenth Century Massachusetts,” *American Journal of Legal History* 20, no. 4 (Oct. 1976): 291.

II. The business of reputation and respectability

There were some commonalities licensees across the social spectrum shared. Every applicant—bankers and auctioneers, oyster cellar keepers and hucksters—was required to account for their economic capital. What this entailed was similar for most applicants. On their honor, merchants and traders testified to their stock in trade in front of the clerk. Men and women at both ends of the commercial spectrum had reason to under-represent their holdings. Wealthier traders secured lesser fees, while poorer female traders avoided license fees altogether if their stock was below 100 dollars. Ambiguity was built into the system. Without having to open their books or take an oath before the clerk of the City Court, the *Sun* averred, “the business conscience of all parties enjoys a tolerable latitude of action.” Drawing attention to widespread discrepancies between the amounts declared to insurers and those given to license clerks, the same critic noted that all classes of merchants, including the wealthiest, flouted the law.³⁶ For both wealthy and poor applicants, there was considerable room to maneuver within a system designed to be adaptable—though much more so for the former than the latter group.

Other licenses bore more heavily upon assessments of moral or social capital. To receive a license in Pennsylvania, for instance, tin and clock peddlers needed to supply “satisfactory evidence of [their] good moral character” to the clerk of the Court of Quarter Sessions.³⁷ Evidence is scarce for the processes and standards by which licensees demonstrated their moral worth in Baltimore and Philadelphia courts—each clerk and justice had his own methods and prejudices. Still, an examination of applications for tavern and inn licenses reveals some of the contours of this process. Public-house licenses

³⁶ *Sun*, Apr. 24, 1845.

³⁷ “An Act Regulating tin and clock pedlars” (1830), *Session Laws of Pennsylvania*; *Wolf v. Clark* (1834), 2 Watts 298; Bishop, *Commentaries on Criminal Law*, 2:343-344.

hinged on the approval of neighboring residents and businesses. This additional stratum of public supervision aimed at the prevention of nuisances, a subject to which inns and taverns were inextricably linked. In the words of one expert, nuisances violated “the great social compact” through “the unreasonable, unwarrantable or unlawful use by a person of his own property,” or through “improper, indecent or unlawful personal conduct” that hindered or damaged the rights of another person or the public.³⁸ The elasticity of the concept—reflected in Nathan Dane’s definition of nuisances as “strictly whatever annoys or damages another”—empowered the regulation of a wide range of commercial behaviors.³⁹

No category of nuisances was as riddled with assessments of class, gender, and race as the “disorderly house.” According to an antebellum criminal lawyer, this included “bawdy-houses, common gaming-houses, and places of a like character, to which people promiscuously resort for purposes injurious to the public morals or health or convenience or safety.”⁴⁰ As historians have observed, however, terms like “disorder” were suffused with cultural as well as legal values and meanings. The mere presence of members of the lower sort, particularly when accompanied by the “promiscuous” mixing of sexes or skin colors, was enough to warrant police intervention and criminalization. Owners of disorderly houses continuously battled with elites over interpretations of their commercial activities, and as one scholar notes, “a poor but enterprising tavern keeper would never have defined her house as disordered.”⁴¹ Just as reputation shaped one’s access to credit

³⁸ Horace Gay Wood, *A Practical Treatise on the Law of Nuisances in their Various Forms* (Albany, NY, 1875), 1-2. The literature on nuisances is vast, but Novak provides an excellent summary of the concept and its many competing historical interpretations. Novak, *People’s Welfare*, 60-62.

³⁹ Dane, *General Abridgment*, 3:39.

⁴⁰ Bishop, *Commentaries on Criminal Law*, 2:170.

⁴¹ Serena Zabin, *Dangerous Economies: Status and Commerce in Imperial New York* (Philadelphia: University of Pennsylvania Press, 2009), 62.

and other instruments of business, it affected how easily one could procure a license to sell liquor or entertainment and how lenient authorities would be in identifying and shuttering disorderly houses.

Beyond making the business of opening a tavern or inn a public endeavor, requiring certificates of neighborhood approval enmeshed license applicants within well-defined relations of power. As in colonial America, nineteenth-century license laws exhorted applicants to seek out the signatures of “respectable inhabitants” (at least twelve in Pennsylvania), whose stature in the community gave them the extra-legal authority to separate the worthy from the unworthy.⁴² When Andrew Allen applied for a theatre license in 1822, for instance, he accounted for his reputation with a certificate signed by fourteen “respectable” men and women who described Allen as “a sober, and in all other respects, a proper person to keep a house of public entertainment.”⁴³ Laws required peddlers, itinerant preachers, and other traveling figures to procure a license from a county courthouse, after acquiring signatures from community members, in an effort to mitigate their rootlessness. The requirement of bonds further drew license-seekers into local circuits of authority, indebting them to those who served as sureties. By affixing the reputation of others to that of the peddler or innkeeper, however tenuous that link was in reality, licensing promoted mutual surveillance and reaffirmed the authority of the signatures of community leaders.⁴⁴

Some powerful members of the community availed this authority to ingratiate

⁴² “An Act to regulate Inns and Taverns” (1830), *General Assembly of Pennsylvania*, 352.

⁴³ Petition of Andrew Allen (Dec. 12, 1822), Miscellaneous Collection, Historical Society of Pennsylvania (hereafter MC-HSP).

⁴⁴ On the licensing of religious itinerants, see Rhys Isaac, *The Transformation of Virginia, 1740-1790* (Chapel Hill: University of North Carolina Press for Omohundro Institute of Early American History and Culture, 1982), 150-152.

themselves with their working-class neighbors in ways that threatened to subvert the system itself. In 1819, a Pennsylvania grand jury drew attention to the increasing number of taverns, “many of which have been set up under licenses obtained by mistake and misrepresentation.”⁴⁵ Instructing a grand jury a few decades later, one Philadelphia judge decried “the conduct of respectable citizens who are in the habit of signing the certificates of petitions for tavern licenses.” When a recent applicant, known to the court as unworthy, presented his certificate, “appended [were] the names of some of the most respectable citizens—men of the very first and highest standing in the community.” In a thinly veiled threat, he noted, “The names of these men, if known, would astonish the public.”⁴⁶

Two related sources of anxiety undergirded these criticisms. The first was demographic: relative to colonial towns, nineteenth-century cities were quickly becoming defined as spaces of anonymous, impersonal interaction. Urban growth and the constant flow of people in and out of neighborhoods caused more vigilant residents to despair of the breakdown of community self-policing.⁴⁷ Related to this was a second concern: the growth of political patronage. Signatures could be bought and sold (though this certainly had always been the case). The politics of patronage forced at least one “highly respectable man” into signing a certificate against his judgment. He came to court and requested it to deny a license, “saying he knew the applicant to be unworthy, but that he

⁴⁵ *Patriot* (Baltimore), June 22, 1819.

⁴⁶ *North American*, Nov. 4, 1845. Given that grand juries were often composed of the same social stratum that was the target of this assertion, one wonders if there were dual motivations behind the judge’s decision to stress this point in his instructions.

⁴⁷ Stuart M. Blumin, “Residential Mobility Within the Nineteenth-Century City,” in *The Peoples of Philadelphia: A History of Ethnic Groups and Lower-Class Life, 1790-1940*, eds. Allen F. Davis and Mark H. Haller (Philadelphia: Temple University Press, 1973), 37-51. Kenneth A. Scherzer contends that depictions of the nineteenth-century neighborhood as increasingly atomized and anonymous were exaggerated; Scherzer, *The Unbounded Community: Neighborhood Life and Social Structure in New York City, 1830-1875* (Durham: Duke University Press, 1992), 49-96.

did not wish to make an enemy by refusing to sign for him.”⁴⁸ Not all license applicants could hope to mold the system at will. The class composition of the structures of local authority, upon which the license application process was based, changed dramatically in the antebellum period. Access to alternative networks of urban influence by the 1840s and 1850s—such as membership in political gangs—had given some working-class men the ability to challenge the deferential stance embodied in such practices as license certification.⁴⁹ For others lacking this newfound political capital, however, the only option was to navigate a system of competing visions and agendas.

Ann Bruorton’s 1819 license application represented this delicate negotiation of unpredictable social and legal customs. In securing the necessary signatures for her inn license, Bruorton counted on local networks of community and commerce. From the eleven names appended to her petition, one can only speculate on how she procured neighborhood support. Like many in the recently settled, western part of the city, she did not have especially deep roots in the city. She had arrived in Philadelphia in late 1816 or early 1817 with her husband, George, a china-gilder from Liverpool. Her grocery store on Chestnut Street offered one venue in which to rouse support for her venture, particularly among loyal customers. Customers were not her only signatories, as the support of fellow neighborhood grocer, Henry Snyder, attests. Heading the list of signatories was patrician Godfrey Haga, a German redemptioner who had amassed enough wealth in the grocery trade to purchase the “Gothic Mansion” adjacent to Bruorton’s shop.⁵⁰ Perhaps she

⁴⁸ *North American*, Nov. 4, 1845.

⁴⁹ Amy Bridges, *A City in the Republic: Antebellum New York and the Origins of Machine Politics* (Ithaca: Cornell University Press, 1987), 113-137.

⁵⁰ Petition of Ann Bruorton (Mar. 12, 1819), MC-HSP. Information about Bruorton and her signatories is gathered from *Paxton’s Philadelphia Directory and Register for 1819* (Philadelphia, 1819). On George Bruorton’s career, see J. Thomas Scharf and Thompson Westcott, *History of Philadelphia, 1609-1884*

appealed to Haga as a fellow immigrant and grocer, or perhaps she appealed to his well-known spirit of charity. Either way, the licensing system required Bruorton to tap into social and business networks she had cultivated over two or three years.

Certificates vetted not only the persons applying but also the private spaces awaiting transformation into public spaces. Bruorton's petition assured authorities her house was "commodious" and "well calculated for the accommodation of the inhabitants and travelers." The location of the house provided a distinct advantage: it lay west of the more settled parts of the city, and the absence of any licensed public houses "for many squares" strengthened her case. Fewer neighbors also meant fewer potential complaints of operating a disorderly house.⁵¹ Meanwhile, petitioner Peter Kennedy sought to capitalize on his house's proximity to one of Philadelphia's bustling public markets by noting "the promise of the large lot adjoining for the accommodation of Market Carts & Horses &c."⁵² What is most readily evident in these petitions is their formulaic language, a fact that sustained at least two cottage industries. By the 1820s, local printers made fill-in-the-blank forms readily available, while enterprising authors reprinted the precise petition language in various "every man his own lawyer" publications.⁵³

As rigid or rote as the textual formulas may have appeared, however, applicants found ways to imbue them with meanings and utilities of their own. One way was to make adjustments or addendums to the script itself in order to emphasize certain points. In the blank left open for the applicant's name, for instance, Catherine Baird inserted the

(Philadelphia, 1884), 3:2298. On Godfrey Haga, see Henry Simpson, *The Lives of Eminent Philadelphians, Now Deceased* (Philadelphia, 1859), 462-466.

⁵¹ Petition of Ann Bruorton (Mar. 12, 1819), MC-HSP.

⁵² Petition of Peter Kennedy (Dec. 19, 1822), MC-HSP.

⁵³ See, for instance, B. F. Hancock, *The Law, Without the Advice of an Attorney; Or, Every Man his own Counsellor. Containing the Laws of Pennsylvania...* (Norristown, PA, 1831), 131. These types of manuals date back at least to the early eighteenth century; Giles Jacob, *Every Man His Own Lawyer; Or, A Summary of the Laws of England...* (London, 1736).

words “a widow with four small children.”⁵⁴ In competition for a limited number of liquor licenses, some sought an advantage by declaring how long they had resided in Philadelphia.⁵⁵ Others found space to drop in details that cast their “commodious houses” in a more flattering light. In a blank left open for his address, David Gibb elaborated, “under the Eastern side of the Arcade, this establishment has been fitted up with superior elegance.”⁵⁶ These alterations to the script of certification, however modest, represent the conscious decisions of men and women to strategically position themselves (and their prospective public houses) in relation to the fickle category of respectability.

Other men and women of limited means utilized the supplicatory qualities of license applications. Many would-be tavernkeepers appealed to the philanthropic spirit of authorities with well-worn tropes in their applications, as in the case of the widowed mother of four, Catherine Baird. Indeed, it is noteworthy that license applications took the form of petitions, a mode of political expression, Susan Zaeske writes, that “held radical potential for women” in nineteenth-century America precisely because of its “supplicatory nature.”⁵⁷ Like the tangible form that license applications took, the elasticity of public house licensing was not a nineteenth-century development. In her discussion of the eighteenth-century tavern licensing system, Sharon Salinger notes that a “tension existed between the stated goals and the process.” Despite the clear language of many laws, authorities often imposed “unspecified and random standards,” although fines

⁵⁴ Petition of Catherine Baird (Feb. 17, 1819), MC-HSP.

⁵⁵ Petitions of Joseph Cowell (Sept. 15, 1827), John Filton (Oct. 15, 1818), and Bertrand Latouche (April 7, 1828), MC-HSP.

⁵⁶ Petition of David Gibb (Sept. 22, 1829), MC-HSP.

⁵⁷ Susan Zaeske, *Signatures of Citizenship: Petitioning, Antislavery, & Women's Political Identity* (Chapel Hill: UNC Press, 2003), 11-28 (quotes 3). As Ruth Bogin notes, however, “Petitioners chose increasingly forthright language” by the late eighteenth century, “and they allowed themselves to reveal their impatience at governmental delay or neglect,” especially in matters of economic significance, like taxation. Ruth Bogin, “Petitioning and the New Moral Economy of Post-Revolutionary America,” *William and Mary Quarterly* 45, no. 3 (Jul. 1988): 420.

and penalties were not givens. Taverns located on busy travel routes might have previous indiscretions overlooked due to their influence. In place of sobriety and honesty, poverty—particularly for women—was enough in many cases to qualify for a license.⁵⁸ Just as the poor “turned the lack of explicit standards to their own advantage” in their dealings with the almshouse and other state and private institutions, then, many also sought to inhabit the interstices of antebellum license laws.⁵⁹

For middling and prosperous entrepreneurs, meanwhile, licensing could raise undesirable or problematic questions about the respectability of their businesses and themselves. Theatre operators were particularly frustrated with the tendency of license laws to class them with less legitimate activities. In 1797, Baltimore’s city council enacted a law “to restrain gaming, and to license and regulate theatrical and other public exhibitions,” because “true religion and good morals are the only solid foundations of public liberty and happiness.” Such license laws aimed to limit the audience size, time, and duration of theatrical performances. The 1797 ordinance prohibited performances between June 10th and October 1st, when “the collecting of great numbers of people ... into theatres is productive of contagious fevers and other maladies.”⁶⁰ Three weeks after an 1811 fire killed 70 theatregoers in Richmond, Virginia, 327 Baltimoreans petitioned the city council to suppress public exhibitions entirely. They argued that theatres and circuses were not only “dangerous to the lives of spectators” but also “highly injurious to Religion, the morals, and consequently, to the civil prosperity of society.” The city

⁵⁸ Sharon V. Salinger, *Taverns and Drinking in Early America* (Baltimore: Johns Hopkins University Press, 2002), 151-181 (quotes 180). See also David W. Conroy, *In Public Houses: Drink & The Revolution of Authority in Colonial Massachusetts* (Chapel Hill: University of North Carolina Press, 1995), 99-156, 193-194; Peter Thompson, *Rum Punch & Revolution: Taverngoing & Public Life in Eighteenth-Century Philadelphia* (Philadelphia: University of Pennsylvania Press, 1999), 33-74.

⁵⁹ Seth Rockman, *Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore* (Baltimore: Johns Hopkins University Press, 2009), 208.

⁶⁰ No. 7 (1797), *Ordinances of Baltimore*.

council did not yield to the petitioners' request; four years later, it extended the theatre season to July 5th and would continue to shorten the mandated off-season over time.⁶¹

Nevertheless, licensing requirements for public exhibitions shared the petitioners' sense that there were certain social costs and that fees should be calibrated accordingly. Hence licenses for dramatic performances in 1807 were ten dollars per night, "feats of horsemanship" eight dollars per night, musical parties five dollars per night, wire dancing and puppet shows ten dollars per week, and all others two dollars per week.⁶² Theatre owners used many strategies to request reduced license fees, such as claiming their performance was for charitable purposes.⁶³ Others decried universal fees and asked they be graduated according to size. This included Baltimore proprietor John Finlay, whose "so very small" theatre in North Street "will not yield one third as much when full as the Theatre in Holliday street and yet ... is required to pay the same amount for a licence."⁶⁴ In 1828, the stockholders and trustees of the Baltimore Theatre outlined numerous reasons why the fee of ten dollars per night should be "altogether removed or greatly reduced." Given that "no city more requires ... the increase of rational & refined amusement than Baltimore," the proprietors were frustrated that Baltimore was the only "large City" to tax theatrical performance: "Drama is every where else regarded, as it ought to be, one of the Fine Arts, deserving encouragement, rather than restraint and taxation."⁶⁵

⁶¹ City Council Records, 1812:455, BCA; No. 27 (1816), No. 2 (1818), No. 20 (1829), *Ordinances of Baltimore*. See also *Calamity At Richmond; Being a Narrative of the Affecting Circumstances Attending the Awful Conflagration of the Theatre in the City of Richmond* (Philadelphia, 1812).

⁶² No. 21 (1807), *Ordinances of Baltimore*.

⁶³ City Council Records, 1815:277, BCA.

⁶⁴ City Council Records, 1826:505, BCA.

⁶⁵ City Council Records, 1828:372, BCA. The petitioners also noted that Baltimore was the most "convenient" place for members of the federal government, marooned in Washington, "almost wholly deficient in these attractions," during the winter legislative season.

During the second quarter of the nineteenth century, Baltimore lawmakers gradually relaxed theatre and circus laws. An 1831 ordinance eliminated the license requirement for free performances, suggesting that officials were coming to view theatre licenses more strictly as taxes and not as means of regulating public morality or safety.⁶⁶ Municipal authorities turned their attention to ten pin alleys, billiards and bagatelle halls, flying horses, and other public entertainments that proliferated in the 1830s and 1840s and were associated with gambling and other vices.⁶⁷ In refusing to sign an 1832 ordinance that licensed flying horses (or “whirligig”), Mayor William Steuart noted that “they collected together young and old, and many of the most dissolute characters that inhabit our City,” while “the young were contaminated by the language and manners of those more advanced in life, in pursuit of an amusement said to be facinating to the young, particularly boys.”⁶⁸ Most ordinances from this period contained provisions allowing the mayor to deny or revoke a license at any time and for any reason. The role of the mayor as moral exemplar was cinched by the fact that applicants for public amusement licenses were required to obtain them directly from the mayor.

Straddling the distinction between amusement and enlightenment, museums underscored the problematic of reputation and respectability in the licensing process. In 1837, Baltimore’s city council compared museum licenses to those required of “the merchant and manufacturer upon whose prosperity the very existence of our community

⁶⁶ No. 11 (1831), No. 7 (1842), *Ordinances of Baltimore*. Still, licensing would serve as a latent instrument of censorship well into the twentieth century, when officials in New York and elsewhere used prohibitively high license fees to shut down burlesque theatres, in combination with newer zoning ordinances. Robert C. Allen, *Horrible Prettiness: Burlesque and American Culture* (Chapel Hill: University of North Carolina Press, 1991), 255-258.

⁶⁷ No. 20 (1829), No. 30 (1831), No. 31 (1831), No. 22 (1832), No. 37 (1838), No. 30 (1842), No. 16 (1845), No. 21 (1847), *Ordinances of Baltimore*. See also Ann Fabian, *Card Sharps and Bucket Shops: Gambling in Nineteenth-Century America* (New York: Routledge, 1990).

⁶⁸ City Council Records, 1832:586, BCA; No. 30 (1831), *Ordinances of Baltimore*.

depends”—in short, they were a tax and not a regulation.⁶⁹ But this was not the case for all supposed “museums.” For every Peale’s Museum that could make claims “to disseminat[ing] a taste for scientific pursuits and a knowledge of the fine arts,” there were others that took out museum licenses to showcase nude “model-artist shows,” pornographic dioramas, and prizefights. Even well-established museums like the Baltimore Museum complicated the boundaries of licensing by putting on theatrical performances, forcing the city to decide how to classify and regulate them.⁷⁰ While the city police would occasionally canvas the city to ferret out licentious (but usually licensed) exhibits, it was clear that lawmakers had little faith in the license application process to prevent them from opening in the first place. A system of community policing, forged through the application process, proved ineffectual. In the view of city leaders in the 1840s and 1850s, a more robust system of professional policing was required to confront vice.⁷¹

The reputational element of licensing was most intense for African Americans and the poorest urban residents. For Baltimore’s free black community, the ability to move through the urban marketplace was not a right but a privilege conferred by fiat. For most of the antebellum period, African Americans had to appeal directly to the mayor, usually with letters of support from white neighbors, for permission to gather in private or at night. Reliance on this system of surveillance spiked following real or imagined

⁶⁹ City Council Records, 1837:1266, BCA.

⁷⁰ City Council Records, 1835:689, 885, 1824:447, 485, 713, BCA. On “model-artist shows,” see Timothy J. Gilfoyle, *City of Eros: New York City, Prostitution, and the Commercialization of Sex, 1790-1920* (New York: Norton, 1992), 127-129. For contests over sexual knowledge more generally in the antebellum city, see Helen Lekowitz Horowitz, *Rereading Sex: Battles Over Sexual Knowledge and Sexual Suppression in Nineteenth-Century America* (New York: Vintage, 2002).

⁷¹ City Council Records, 1849:877, 1848:755, BCA; No. 18 (1848), No. 31 (1850), *Ordinances of Baltimore*.

slave conspiracies, especially Nat Turner's 1831 rebellion.⁷² Whether asking for the "privilege" of holding an "oyster supper," of having a "little Dancing party to raise some money" for one's own benefit, or of taking one's carriage out at night to conduct a little business, such petitions typically stressed the sobriety, respectability, and general good character of the black citizens in question. While these passes were not technically licenses, they shared many of the same qualities: they hinged on nebulous legal and cultural definitions of respectability, reinforced the absolute (and paternalistic) power of the mayor over socially marginalized residents, and framed African Americans' ability to operate within the civic economy.⁷³ To be a person of color in antebellum Baltimore was to experience licensing on a more corporeal level.

III. Securing a place in the urban economy: The context of Brown v. Maryland

As a gatekeeping mechanism, licensing was at the heart of debates about competition in the civic economy. The issue of reputation was magnified by the unsparing competition that faced all trades in the antebellum city. After Baltimore passed an 1826 ordinance raising the license for billiard tables to \$300 annually for each table, the city's social clubs bitterly objected.⁷⁴ Some decried the fact that they had to pay both a state (another \$100 annually) and municipal license tax on their tables; others asked why each table had to be licensed separately. The Baltimore Club declared the double license an "unauthorized" exertion of corporate power, a case of the city operating

⁷² Mayor's Correspondence, 1831:451, 452, 462, 463, 473, BCA.

⁷³ For examples, see Mayor's Correspondence, 1839:329-335, BCA; *Sun*, May 4, 1850. See also Christopher Phillips, *Freedom's Port: The African American Community of Baltimore, 1790-1860* (Urbana: University of Illinois Press, 1997).

⁷⁴ No. 52 (1826), No. 20 (1829), *Ordinances of Baltimore*.

outside its “legitimate sphere” of jurisdiction.⁷⁵ For most social clubs, however, billiard table licenses posed a practical problem in competing during the winter months, when their existence was already “rendered very precarious by the number of amusements which are then crowded into the city.” They asked for the option of a six-month license, since the majority of clubs operated only during the winter.⁷⁶

During the 1820s, licensing occupied a prominent place in debates about the nature of economic competition in the antebellum city. Licensing—and specifically its byzantine relationship to taxation—provided the backdrop to one of the most momentous antebellum Supreme Court decisions in *Brown v. Maryland* (1827), which arose from an 1821 Maryland law requiring importers and other wholesalers of foreign goods to take out a license for fifty dollars. Viewing it as an egregious “tax [on] *Baltimore city*, for the benefit of the *state of Maryland*,” Baltimore’s mercantile community vigorously contested the law. In November 1822, one of its most prominent members, Alexander Brown, was indicted in the Baltimore City Court for importing and subsequently retailing a shipment of foreign dry goods without a license. Chief Justice John Marshall declared the state’s law unconstitutional in view of the fact that the federal government’s authority to regulate commerce remained paramount until the original packaging of the imported goods had been opened. Nevertheless, Marshall’s judgment reaffirmed the state’s authority to tax and regulate trade when public health, safety, morality, or trade necessitated it, preserving a broad construction of the state’s license powers.⁷⁷ While

⁷⁵ City Council Records, 1827:414, 1828:375, 1827:412, 413, BCA; Ch. 219 (1826), *Session Laws of Maryland*.

⁷⁶ City Council Records, 1829:474, BCA.

⁷⁷ *Niles’ Weekly Register*, March 17, 1827; Ch. 246 (1821), *Session Laws of Maryland*; *Brown v. Maryland* (1827), 12 Wheat. 422; Charles F. Hobson, ed., *The Papers of John Marshall* (Chapel Hill: University of North Carolina Press, 2000), 10:395-399; Edwin J. Perkins, *Financing Anglo-American Trade: The House of Brown, 1800-1880* (Cambridge: Harvard University Press, 1975). In the dissenting opinion, Justice

scholars have thoroughly dissected *Brown v. Maryland* for its state and federal significance, it is worth situating the case within its local context—one in which merchants, shopkeepers, and petty traders routinely petitioned city lawmakers busily engaged in expanding the licensing system.

For petitioners, the question was not whether licensing promoted or curtailed competition. Rather, it was a matter of working through the license system to secure one's place in an urban economy prone to wild fluctuations and cutthroat conditions. This was especially the case in the wake of the Panic of 1819, which combined with the structural shifts of industrialization to press thousands of urban residents into new, more casual labor arrangements. But it was true even of better-off merchants like auctioneers, who had to accommodate themselves to new market conditions—such as the reopening of trade relations with Britain—after the end of the War of 1812. Historians have examined the “auction-house conflicts” of the late 1810s and 1820s and found them to be a crucible for emerging ideas about the free market, consumers' rights, and political patronage. The question of licensing insinuated itself into these debates at various points, nowhere more explosively than when politicians like Pennsylvania's governor, William Findlay, were accused of granting licenses in exchange for personal favors. One observer noted that it was the fact that the governor had the authority to license auctioneers, “a most valuable monopoly,” that the office's “obtainment should be the object of severe contest.”⁷⁸

Thompson agreed with the state's lawyer, Roger Taney, averring that the law “require[d] the purchase of a privilege to sell, and must stand on the same footing as” those who needed a license to sell “by retail, at auction, or as hawkers and pedlars.” 12 Wheat. 456. In a letter to the mayor, state delegate John Pendleton Kennedy lamented “the very ill-judged opposition of the City to the payment of the ‘dry good Importing License.’” Mayor's Correspondence, 1822:492, BCA.

⁷⁸ Henry Bradshaw Fearon, *Sketches of America: A Narrative of a Journey of Five Thousand Miles Through the Eastern and Western States of America* (London, 1819), 137-138; Ellen Hartigan-O'Connor,

Auctioneers' licenses were a lucrative source of city and state revenue in the early republic. Baltimore auctioneers were required by an 1807 ordinance to pay \$750 annually for their licenses. Laws also mandated they give account of their sales every three or six months, take oaths, transact their business only at certain places and times, and give bond in the sum of \$30,000 to ensure they would "faithfully execute the office and employment of an auctioneer." These stipulations reflected the perception, William Novak notes, that auctioneers served as "economic officers of the state"—indeed, they occupied a similar place as another set of quasi-state actors, lottery managers. On top of \$750 for a general license, "special auctioneers" who bought and sold articles like horses and carriages, furniture, hardware, jewelry, clothing, and books, maps, and prints took out additional licenses ranging from \$50 to \$100 annually for each category of goods.⁷⁹ While auctioneers portrayed themselves as "cheerfully" paying for their general licenses, they complained that special licenses failed to take into account the constantly shifting nature of their trade—hemming them in at a time when auctioneering required being able to sell a variety of commodities as opportunities arose. There was some leeway, however; to facilitate estate sales (an important way in which auctioneers served in a state capacity), in 1817 Baltimore authorized those holding certain special licenses "to sell lands, lots of ground, tenements, [and] servants and slaves."⁸⁰

"'Auctioneer of Offices': Patronage, Value, and Trust in the Early Republic Marketplace," *Journal of the Early Republic* 33, no. 3 (Fall 2013): 466-467; Joanna Cohen, "'The Right to Purchase Is as Free as the Right to Sell': Defining Consumers as Citizens in the Auction-house Conflicts of the Early Republic," *Journal of the Early Republic* 30, no. 1 (Spring 2010): 25-62; Andrew R. L. Cayton, "The Fragmentation of 'A Great Family': The Panic of 1819 and the Rise of the Middling Interest in Boston, 1818-1822," *Journal of the Early Republic* 2, no. 2 (Summer 1982): 143-167.

⁷⁹ No. 37 (1807), *Ordinances of Baltimore*; Novak, *People's Welfare*, 92; Ch. 111 (1827), *Session Laws of Maryland*. For an example of auctioneers styling themselves as quasi-state actors, see City Council Records, 1798:149, BCA.

⁸⁰ City Council Records, 1814:186, 290, 467, BCA; No. 33 (1817), *Ordinances of Baltimore*. In 1828, a group of petitioners bemoaned that "the Publick suffer a considerable inconvenience for the want of Special

Special licenses were a lightning rod for controversy in the civic economy. Booksellers, furniture dealers, and other retailers protested the various ways auctioneers undersold them by buying in volume and selling more cheaply than smaller retailers could: “These auctions do not flag,” an anti-auction pamphlet warned in 1817, “they increase and prevail, and regular bookstores are, in a manner, abandoned.”⁸¹ Three years later, Baltimore booksellers decried “the sales of single books at auction,” alleging “that nearly the whole of such sales are for account of foreign booksellers, and the proceeds are remitted hence [to] other Cities.” As one columnist sardonically noted, “the license money is all we shall ever see of the revenue from these auctioneers.”⁸² When auctioneers asked the city to include stationery in the special books, maps, and prints license—arguing it was “rather a matter of convenience to the public, than of profit to the auctioneer”—booksellers squawked. “To obtain cheap books is doubtless an advantage,” they wrote, “but to get them with certainty, without the expence of valuable time wasted at auctions or of imbibing a gaming spirit amidst their competitions, are advantages yet superior.” Paying “heavy rents and other expences in conducting their business and as in common with their fellow citizens they pay to the state and the corporation their taxes,” the booksellers believed “themselves [entitled] to protection in their property.” The city sided with the booksellers, requiring auctioneers to take out a separate license to retail stationery.⁸³

Auctioneers, particularly in the Eastern part of the City,” on account of the “high price” of licenses: “Individuals in different situations in life, for want of places of deposit where their Goods can be sold at auction are compelled to dispose of them to Speculators at any price they may offer.” City Council Records, 1828:364, 363, 1817:229, 232, 233, BCA; *The Beneficial Tendency of Auctioneering, and the Danger of Restraining It, by a Friend to Trade* (New York, 1817).

⁸¹ *Auctions Inconsistent With Regular Trade, and Injurious to the City ...* (New York, 1817), 16.

⁸² City Council Records, 1820:310, BCA; *Franklin Gazette* (Pennsylvania), March 6, 1820.

⁸³ City Council Records, 1821:357, 365, 366, 500, BCA. The petition from which the last quote is taken (1821:366) has been torn at the edge, but it does appear that the term “entitled” was used. For pamphlets

Auctioneers similarly believed high license fees entitled them to use their property in such a way that enhanced their competitive edge. In particular, auctioneers sought access to adjacent sidewalks and open spaces to conduct public vendues—that is, to engineer their own impromptu market spaces. Again they emphasized that the flood of commodities overwhelmed any and all attempts at restricting their circulation through the urban marketplace. Baltimore auctioneers defended their appropriation of sidewalks in 1831: “In a city like this there are quantities of property coming under the denomination of furniture (changing hands from time to time at public auction) too ponderous and bulky for the limits of a warehouse used for other business.” It was not only “in the way of business” that “every good citizen [should] yield a little convenience to the prosecution of the business” of auctions. “Were it to be determined upon the question of right,” they averred, “no one’s claim would be greater thus to occupy the pavements than the auctioneer, because he pays a large portion of the revenue which indirectly comes to the city,” including license fees.⁸⁴ Others disagreed with their construal of the “rights” conferred by licenses. An 1817 petition bemoaned “two persons who conceive themselves privileged by taking out License as auctioneers to obstruct the footway and street each day.” During market day, “the footway is compleatly obstructed, and rendered Impassable” to the many women shoppers as a result of the auctions.⁸⁵

The 1817 petitioners—shopkeepers—were concerned less about making the sidewalk a respectable space for promenading than making it easier for “females, who it cannot be expected would make a second effort to pass, after being once stopped by the

that likely influenced the arguments of these petitioners, see *The Ruinous Tendency of Auctioneering, and the Necessity of Restraining it for the Benefit of Trade ...* (New York, 1813); *Auctions Inconsistent With Regular Trade*.

⁸⁴ City Council Records, 1831:575, BCA.

⁸⁵ City Council Records, 1817:230, BCA.

crowd gathered around there of Idle persons,” to see the goods they themselves displayed on the sidewalk. The 1831 petition of auctioneers referred to this competition with shopkeepers for sidewalk space when they argued their license fees gave them the “right” to occupy the pavement for “but a few minutes”—compared to “Merchants engaged in the Grocery or produce or General whole sale business” who obstructed them almost daily and paid a far smaller license tax.⁸⁶ Sidewalk disputes were thus a spatial manifestation of the broader contests over the meaning of a free market in the civic economy (Fig. 2.2).

For shopkeepers, however, it was another set of licensed retailers laying claim to public spaces that proved most vexing. In early 1824, 43 Baltimore grocers met at Mrs. Winkle’s tavern—locally renowned for her turtle soup and a hub of associational activity—to discuss the forces arrayed against them. There were the aforementioned auctioneers, who retailed goods at wholesale prices “contrary to the established usages and customs of regular trade.” There was also the substantial financial burden they labored under, paying a “heavy license” on top of rent, property taxes, and other costs. This injustice was aggravated by the fact “that many articles of their assortment, are hawked about the streets, and sold in the market houses, by persons who incur none of those unavoidable expences,” save a paltry market license. The grocers referred to the sale of various manufactured goods in the public markets, occasionally practiced since the late eighteenth century but to a much greater extent since the Panic of 1819. They declared “the practice of hawking soap, candles, oil and imported fruits, spices and other articles in the grocery line [and] of selling cheese and corn brooms” to be “derogatory to fair and regular trade.” It was also “a prostitution of the market places to purposes

⁸⁶ City Council Records, 1817:230, 1831:575, 574, BCA.

entirely different from those for which their founders intended them”—that is, for the sale of food.⁸⁷

Yet those who sold corn brooms, candles, and cheese conceived of the public market in more liberal terms as “a depot for all those articles of traffic, which the wants or the luxuries of life may require.”⁸⁸ The public market was an elastic institution that expanded to accommodate thousands of urban residents undone by the Panic of 1819. Changing labor patterns refocused the question of occupational licensing. Unable to find regular employment or unwilling to put up with heightened surveillance from master artisans in larger workshops, hundreds of journeymen and erstwhile apprentices moved into city marketplaces. They sold tinware, copper pots and pans, wooden barrels, clothing, hats, shoes, and an array of other manufactured goods from moveable stalls. Most took out the requisite stall licenses, which they understood in contractual terms as protecting certain economic rights—namely the right to compete with other retailers on equal terms. Petitioning street venders in 1827 were “perfectly satisfied to pay the sum now imposed upon them, as a Licence, but as they are debarr’d the right, which they do conceive they ought have granted to them,” they looked to the municipal corporation to restore their right to occupy “desirable places” in the public markets. Asserting a link between holding a license and being legitimate traders, they called the lawmakers’ attention to the fact they were “persons having a Licence” in the first sentence of their memorial. In addition to the fact “they [had] long enjoyed” the ability to sell manufactured goods in city

⁸⁷ *Patriot*, Feb. 24, 1824; City Council Records, 1823:232, 1827:476, BCA.

⁸⁸ City Council Records, 1827:486, BCA.

markets, their licenses “afford[ed] a considerable revenue to the City.”⁸⁹

Shopkeepers countered that the licenses paid by street vendors were negligible and gave them no right to compete on what they saw as demonstrably unfair terms. As historians have noted, the rise of urban manufacturing in the 1820s exacerbated class conflicts between artisans-turned-merchants and poorer mechanics.⁹⁰ Styling themselves “regular dealers” (their itinerant opponents were “irregular”), aspirational shopkeepers emphasized the burdens of licensing and other costs in a steady stream of petitions to Baltimore’s city council. A strident 1827 petition summed up their argument: “The Corporation have no right to levy annually heavy and burthensome taxes on our property to build Market-houses, and convert those houses, for a pitiful Revenue, into shops, to the great injury and destruction of real property.”⁹¹ In contrast to the petty traders’ liberal vision, shopkeepers argued for a more rigorously controlled marketplace. But they also viewed licenses through the lens of contract, viewing the lack of adequate regulation as a failure of the state to uphold its side of the deal. Master mechanics worried that the vending of their articles in the marketplace by journeymen would erode their already tenuous competitive advantage as owners of small shops and “reduce to Bankruptcy and pauperism the regular mechanic and trader.”⁹² In their view, the vending of dry goods (such as shoes, boots, hats, tinware and crockery) was “a great nuisance,” “highly injurious to almost every class of citizens, particularly property holders, the merchant

⁸⁹ City Council Records, 1827:467, 1829:531, 1824:428; 1827:477, 478, 488, BCA. A 1788 state market law prohibited the sale of dry goods for only a short period during morning market hours. Ch. 17 (1788), *Session Laws of Maryland*.

⁹⁰ Bruce Laurie, *Working People of Philadelphia, 1800-1850* (Philadelphia: Temple University Press, 1980), 33-83; William R. Sutton, *Journeymen for Jesus: Evangelical Artisans Confront Capitalism in Jacksonian Baltimore* (University Park: Pennsylvania State University Press, 1997), 22-65; Sean Wilentz, *Chants Democratic: New York City and the Rise of the American Working Class, 1788-1850* (New York: Oxford University Press, 1984), 107-142.

⁹¹ City Council Records, 1827:491, BCA. Emphasis in original.

⁹² City Council Records, 1824:423, BCA.

who has established himself in rented houses and mechanicks.” This “unpresidented” trade, they fretted, was “bringing about a state of things unparelled in this or any other well regulated city.”⁹³

For their complaints about being “heavily taxed,” shopkeepers and master mechanics nevertheless viewed licensing as a way to tilt the balance in their favor once again. Beginning in 1823, city clothiers, shoemakers, tinware manufacturers, and grocers agitated for laws that would “subject [itinerant traders] to the payment of a sum for license equal to the hire of a store or shop.” Clothiers “keep[ing] regular shops” were aggrieved that certain individuals “should be permitted to take advantage of them by takeing Stands in the Markets on Market days for the sale of ready made Clothes.” It was not self-interest that drove their complaints, they argued, but concern for “a great number of Indigent females [who] received their daily support from their employ.” Should the street venders “be permitted to continue to hold the undue advantage they have over them, they will be compelled to abandon those poor females to seek support from some other force.”⁹⁴ Others explicitly asked the city to employ licenses as an instrument of prohibition. When Baltimore lawmakers proposed a \$45 license fee for tinware dealers to occupy market stalls throughout the city—a sum already high enough to force out many venders—a group of tin plate workers led by Christopher Raborg petitioned to have the fee raised to \$600 for each marketplace (\$3,000 for all).⁹⁵

Buoyed by the support of a number of powerful allies like merchant Hugh McElderry, journeymen tin plate dealers reacted swiftly to Raborg’s request. McElderry and others did not interpret the city’s proposed ordinance requiring a \$45 license as an

⁹³ City Council Records, 1824:428; 1827:477, 478, 488, BCA.

⁹⁴ City Council Records, 1824:423, 1823:236, BCA.

⁹⁵ City Council Records, 1824:437, BCA.

attempt to “deprive the honest and industrious mechanic from vending his commodities in a place which to all intents and purposes was erected for that purpose.” More importantly, they saw something insidious in Raborg’s proposal. “Suppose the victuallers, or any other class of licensed dealers in the markets should enter into a combination to force an individual to leave the market,” they wrote. “Would the Council in such case sanction the measure?” They thought not. When the city conceded a little ground and raised the license fee to \$50, tinware vender James Cortland warned lawmakers about the unintended consequences of raising the bar of entry to the marketplace: “If obliged to quit the Market,” he and his ilk would move across the street and occupy privately owned stalls, which “could be obtained for a trifling expence compared with a Market Licence.” The city would lose revenue, and the venders’ primary customers, “the Country people,” would follow them out of the public market.⁹⁶

Nevertheless, by 1827, shopkeepers and master mechanics had won enough support in the city council to have an ordinance passed that barred the licensing of anyone selling goods, wares, and merchandise within market limits. Venders caught selling “any other article except eatables” would be fined between five and ten dollars for each offense.⁹⁷ It was a watershed year for license laws in other ways, as well. In addition to *Brown v. Maryland*, state lawmakers enacted the most expansive licensing requirements yet seen in antebellum America, touching upon virtually anyone retailing any article, whether of domestic or foreign production.⁹⁸ The year also coincided with a

⁹⁶ City Council Records, 1825:158, 262, 1828:376, 1824:337, BCA.

⁹⁷ No. 10 (1827), *Ordinances of Baltimore*.

⁹⁸ Ch. 117 (1827), *Session Laws of Maryland*. For lack of space, this chapter does not deal with the related subject of protectionism, which inflected debates over licensing throughout the period. On the tariff in antebellum political economy, as well as Jacksonian critiques of protectionism, see Paul K. Conkin, *Prophets of Prosperity: America’s First Political Economists* (Bloomington: Indiana University Press, 1980), 171-221.

sea change in local, state, and national politics, with Jacksonian Democrats achieving their first major electoral successes. Expanding Jacksonian influence held wide-ranging consequences for licensing. Presenting themselves as the party of anti-temperance and anti-coercion, Jacksonians set about dismantling license laws following their surge into local and state offices in the late 1820s and early 1830s. Throughout the country, trades from carting to medicine saw license requirements relaxed or eliminated.⁹⁹

Soon after its passage, the Maryland license law was embroiled in a contest that exposed new political fault lines within the state (between Whigs and Jacksonians) as well as old ones (between Baltimore and the rest of the state). Politicians from Maryland's rural, western counties initiated the exchange. Tapping into the fervor over the upcoming presidential election and feelings of marginalization in the state capital, politicians of all stripes latched onto the issue of licensing. "It is admitted by all," Washington County's four House delegates wrote in a published letter, "that the law is outrageously oppressive, and will bear heavily upon the poorer class of society who 'expose for sale or barter' any article that they do not grow, make or manufacture." Among this class were "Millers and Distillers who buy poor cattle and hogs to fatten and sell," "Farmers or others trading in oysters, melons, potatoes, fresh fish, &c.," "Hucksters, or others, who buy and sell apples, pears, peaches, nuts, &c.," "and 'last tho' not least' in

⁹⁹ See for instance Clay McShane and Joel Tarr, *The Horse in the City: Living Machines in the Nineteenth Century* (Baltimore: Johns Hopkins University Press, 2007), 37-38; Paul E. Johnson, *A Shopkeeper's Millennium: Society and Revivals in Rochester, New York, 1815-1837* (New York: Hill and Wang, 1978), 130-133. The Thomsonian movement in medicine generally has been credited with challenging medical licensing requirements in the 1830s and 1840s, though analysis of state-level court cases paints a more complicated picture of popular attitudes towards medical licensing. See Toby A. Appel, "The Thomsonian Movement, the Regular Profession, and the State in Antebellum Connecticut: A Case Study of the Repeal of Early Medical Licensing Laws," *Journal of the History of Medicine and Allied Sciences* 65, no. 2 (April 2010): 153-186.

price, the Rag-man.”¹⁰⁰ Another state delegate disclaimed responsibility for the bill’s passage: “The richest merchant, and the poorest milliner—the keeper of an oyster house, a booth or a stall—a rich jeweler, or a seller of crockery, bacon, meal, or fish ... each have to pay twelve dollars a year license; and if this is justice I know not what justice is.”¹⁰¹

With the election approaching, the political associations of the bill’s supporters and detractors became more explicit. Responding to allegations that the Jackson faction was the main force behind the law, one writer noted that 33 out of 40 “Administration members” voted for the bill, while only 18 out of 30 “Jackson members” were in favor.¹⁰² In another instance, “One of the Jackson Committee” addressed his support of the license law. Comparing the 1827 law to a similar bill proposed in 1826, he sought to disabuse readers of the notion that the law recently passed was more exacting than previous state laws. Whereas the 1826 bill would have required ordinary keepers to pay 18 dollars for a license and produce a certificate “signed by at least ten respectable inhabitants,” the 1827 law required only the fee of 18 dollars. Citing “the common sense meaning” of “merchandize,” he argued that the law did not apply to those selling “apples or water melons, or fresh fish, or oysters, from boats or waggons,” nor were drovers to be termed “merchants,” nor cattle, horses, sheep, or hogs “merchandize.” Finally, he absolved his party from blame for turning the entire issue into a “Presidential question,” but warned: “If the friends of Mr. Adams will *persist* in connecting the subjects, the friends of Gen.

¹⁰⁰ *Torch Light and Public Advertiser* (Hagerstown, MD), May 1, 1828. Rag-men (or rag-and-bone men) were junk-dealers, though women were as likely as men to pursue the trade of rag-picking.

¹⁰¹ *Torch Light*, April 3, 1828.

¹⁰² *Torch Light*, June 5, 1828.

Jackson are prepared to meet them.”¹⁰³

As the somewhat convoluted nature of these debates suggests, the rise of Democrats did not have the same effect on license laws in Maryland, where licensing was deeply entrenched in local and state legal cultures, as it did elsewhere. Class-inflected complaints about the 1827 law led lawmakers to revise it at the next session, clarifying that those who sold “only cakes, bread, beer or cider, apples, water-melons, chesnuts or other domestic fruits”—foodstuffs associated with poorer urban traders—need not be licensed.¹⁰⁴ In 1832, lawmakers augmented the 1828 law to require a license of anyone who “shall expose for sale, or sell, any goods, wares or merchandise, with a view to profit in the way of trade.”¹⁰⁵ (For comparison, in Pennsylvania, only retailers and wholesalers whose “goods, wares, and merchandise, wines, or distilled liquors, drugs or medicines” were not “the growth, produce, or manufacture of the United States” had to take out a license, with the exception of auctioneers and tavernkeepers.)¹⁰⁶ Still, the effects of Jacksonian critiques of licensing as an instrument of the wealthy and politically connected rippled through Baltimore and the rest of the state. Baltimore’s traders and tradesmen were more likely to see licensing, as an 1833 pamphlet described it in spatial terms, as “an *inequitable* and *oppressive* form of taxation ... hedg[ing] up the entrance to any business, and thus giv[ing] those who are already engaged in it an advantage to which in strict justice they are not entitled.”¹⁰⁷

¹⁰³ *Torch Light*, June 26, 1828; *Gazette and Daily Advertiser* (Baltimore), May 15, 1828.

¹⁰⁴ Ch. 85 (1828), *Session Laws of Maryland*.

¹⁰⁵ Ch. 273 (1832), *Session Laws of Maryland*.

¹⁰⁶ “An Act graduating the duties upon wholesale dealers and retailers of merchandise” (1830), *Digest of the Acts of Assembly of Pennsylvania*, eds. Francis J. Troubat and William W. Haly (Philadelphia, 1830), 29 (appendix).

¹⁰⁷ A. P. Peabody, *Address on Taxation* (Boston, 1833), 22.

IV. Limits of licensing: Temperance challenges in the 1830s and 1840s

Jacksonian politics also portended another force that would come to shape antebellum attitudes towards licensing. Writing about the licensing of the liquor trade, a Prohibition-era writer noted that the first half of the nineteenth century saw “the breakdown of regulation by license.”¹⁰⁸ Beginning in the early 1830s, temperance reformers agitated for wholesale changes to the licensing system for alcohol. In the late-1840s, the crusade against liquor licensing peaked when Americans throughout the country headed to the ballot box to vote on local option laws. They were presented with two options—“license,” which would grant local officials the power to issue licenses for the sale of liquor as they previously had, or “no-license,” which would prohibit the issuance of licenses and the sale of alcohol altogether. No-license activists scored few victories throughout the United States, but their challenge to the licensing status quo carried larger significance for the license as an instrument of regulation and local and state government’s roles as agents of moral police. As Kyle Volk has argued, “local option was American popular sovereignty incarnate,” raising the fundamental question: “Was the United States a democracy (or to some, a republic) where elected officials and government officers made policy decisions or where the people acting through their agent—the majority—would directly decide public policy at the ballot box?”¹⁰⁹

In Pennsylvania and Maryland, local-option legislation was debated but never acted upon. Nevertheless, debates over liquor licensing prompted widespread

¹⁰⁸ Ernest A. Grant, “The Liquor Traffic before the Eighteenth Amendment,” *Annals of the American Academy of Political and Social Science* 163 (Sept. 1932): 4.

¹⁰⁹ Kyle G. Volk, “The Perils of ‘Pure Democracy’: Minority Rights, Liquor Politics, and Popular Sovereignty in Antebellum America,” *Journal of the Early Republic* 29, no. 4 (Winter 2009): 641-679. For more on how debates over the limits or utilities of licensing framed temperance’s development into a political movement, see Ann-Marie E. Szymanski, *Pathways to Prohibition: Radicals, Moderates, and Social Movement Outcomes* (Durham: Duke University Press, 2003), esp. 19-21, 70-71.

examination of how the system worked in Baltimore and Philadelphia, including how tippling houses were policed (and who policed them), whether courts or lawmakers had more influence over the system, whether the granting of a license (whether for liquor or any other commercial activity) represented an act of moral sanction by authorities, and whether restricting the number of liquor licenses was counterproductive. On this last point, proponents of licensing as a way to regulate alcohol and other potentially dangerous trades long had believed in restraining competition as a way to preserve moral order in the urban marketplace. Despairing of the propagation of poorly policed public houses, John Adams asked a 1760 town meeting in Braintree, Massachusetts, to consider limiting the number of licenses granted. Arguing that fierce competition among too many houses forced otherwise legitimate owners to sell to “the trifling, nasty vicious Crew,” Adams’ proposal was rejected.¹¹⁰ Yet Adams championed what would become common practice by the early-nineteenth century.

As the legislative bodies responsible for establishing tavern regulations, Maryland and Pennsylvania sought to establish artificially high barriers to entrance into the liquor trade. They did so not through costly license fees but rather through adjusting the number of licenses granted on a yearly basis.¹¹¹ When a Philadelphia judge suggested in 1820 the need for “increased vigilance” to check the proliferation of intemperance, the grand jury disagreed with his solution. While they agreed for the need for more stringent policing, particularly of tippling shops operating “under the mask of Grocery Stores and Oyster Cellars,” they asked “whether publick morality and happiness, might not be greatly

¹¹⁰ “Draft of a Letter on the Evils of Licensed Houses” (May 29, 1760), in John Adams, *Diary and Autobiography*, ed. Lyman Henry Butterfield (Cambridge: Harvard University Press, 1961), 1:128-130.

¹¹¹ License fees remained fairly low in Maryland until an 1856 law raised them—not to regulate them more stringently but, as the title of the law made clear, “to raise additional revenue to pay the debts of the State.” Ch. 353 (1856), *Session Laws of Maryland*.

promoted, if licenses were granted with more caution, and less frequency than heretofore?”¹¹² A quarter century later, with the court’s licensing authority under attack from temperance advocates in Philadelphia, a judge defended the record of the Quarter Sessions by revealing it had only granted 500 licenses to operate ordinaries in 1845, down from 1300 previously.¹¹³ Laws typically did not stipulate how many licenses would be granted every year. Rather, to account for shifting public and political attitudes towards the problem of alcohol, judges and grand juries negotiated with the mayor, city councilmen, and police officials over where to set the bar. As with other aspects of the license system, primary responsibility sat with the mayor. Baltimore’s bailiffs were required “to ascertain the situation, number, character, and condition” of tippling shops and their owners and “report quarterly to the Mayor, in order that he, in concert with the judges of the City Court, may adopt such measures as may be deemed requisite in order to reduce the number and regulate the order of such shops.”¹¹⁴

Critics saw the manipulation of the number of available liquor licenses as both harmful and disingenuous. Advocates for more lenient license laws, which included powerful liquor dealers and their allies, viewed such attempts to constrain competition as crowding out small-scale entrepreneurs from the licit trade, forcing them to conduct their businesses in the shadows of the civic economy, placing the ordinaries that most needed oversight out of reach of the authorities. They decried the no-license movement as a dangerous form of “pure democracy” that endangered the rights of local minorities.¹¹⁵

¹¹² *Poulson’s American Daily Advertiser*, Nov. 1, 1820. See also Matthew Warner Osborn, “A Detestable Shrine: Alcohol Abuse in Antebellum Philadelphia,” *Journal of the Early Republic* 29, no. 2 (Spring 2009): 101-132.

¹¹³ *North American*, May 6, 1845.

¹¹⁴ No. 11 (1821), *Ordinances of Baltimore*.

¹¹⁵ Volk, “Perils of ‘Pure Democracy,’” 643.

Local-option supporters, meanwhile, saw attempts to engineer competition for liquor licenses as fostering corruption within the administration of licensing and producing less, rather than more, vigorous regulation of the liquor trade. They pointed to the apparent willingness of many authorities—from judges to clerks, aldermen to watchmen—to turn a blind eye to unlicensed taverns.¹¹⁶

What statistics scholars have at their disposal back up their claims, at least to an extent. One historian puts the rate of conviction for liquor cases in Jacksonian Philadelphia at a mere 15 percent of the indictments going to trial. This number itself comprised a tiny fraction of the unlicensed taverns in the city, contemporary (though biased) estimates of which ranged from the hundreds to the thousands. While grog-shops held a high profile in the public discourse of immorality, they avoided persecution due to lapses in the antebellum criminal justice system. Bribery of individual watchmen, who were said to covet beats that included unlicensed shops, and ward constables, responsible for reporting names to the criminal court every month, stemmed from a host of systemic inadequacies.¹¹⁷ One landlord of an unlicensed tavern alleged he had been “taxed” fourteen dollars three times in one day and allowed to continue his trade.¹¹⁸ Poorly compensated and stretched thin across a quickly expanding urban landscape, constables and watchmen stood to benefit more from informal policing of saloonkeepers than from the five dollars they received for each court session.

¹¹⁶ In other countries where licenses were used to regulate the sale of liquor—namely, England—similar charges were being made at this time. See, for instance, “A Magistrate for Middlesex” [anon.], *Letters on Public-House Licensing; Shewing the Errors of the Present System* (London, 1816).

¹¹⁷ Allen Steinberg, *The Transformation of Criminal Justice: Philadelphia, 1800-1880* (Chapel Hill: University of North Carolina Press, 1989), 131-133; “A Citizen of Philadelphia” [anon.], *Impositions and Frauds in Philadelphia* (Philadelphia, 1837), 4-5; David R. Johnson, *Policing the Urban Underworld: The Impact of Crime on the Development of the American Police, 1800-1887* (Philadelphia: Temple University Press, 1979).

¹¹⁸ *Public Ledger*, July 21, 1845.

City officials who walked from street to street, drafting lists of licensed and unlicensed tippling shops, operated within an ad hoc system of policing. In 1817, it was not police but the superintendent of streets who was required to investigate the number, names, location, and character of Baltimore's tippling houses. An 1821 ordinance transferred this duty to the city bailiffs.¹¹⁹ Some policemen used the lax definition of their responsibilities to their advantage, as a case from Philadelphia's South Mulberry ward in 1840 illustrated. Residents called upon the ward constable to "procure the necessary evidence" to prosecute the owner of an unlicensed tippling house. After six weeks and no response, several residents inquired of the constable, who told them he had interviewed the landlord and was informed that only "porter, beer and oysters"—which did not require a license—were sold on the premises. "This, he said, was all he had done, and all he intended to do, as he had *now* done his duty," a writer added, despite the fact that "it [was] known to hundreds that spirituous liquors are retailed in the house."¹²⁰ Imagine then the frustration neighbors of grog-shops felt when judges disclaimed the power "to remedy the evils arising from tippling houses" and charged that it was "the duty of the citizen, and the subordinate officers," to do so.¹²¹

Reflecting the piecemeal and limited reach of municipal police forces in the period, liquor license regulation depended heavily on informers such as those in South Mulberry. Yet few were willing to get involved, particularly if their living situations were not directly affected by the tippling shop in question, without the promise of reward. Thomas W. Griffith understood this—"motives of duty only" were not sufficient—and requested Baltimore's mayor to grant a portion of recovered fines to those who informed

¹¹⁹ City Council Records, 1817:639, BCA; No. 11 (1821), *Ordinances of Baltimore*.

¹²⁰ *Public Ledger*, Feb. 8, 1840.

¹²¹ *North American*, May 6, 1845.

on the “many persons selling liquor by small quantities without licence.” Reliance on informers raised its own issues, as an 1827 petitioner complained of “vexatious suits ... by every needy informer.”¹²² With individual informers seeming to have little effect on the system as a whole, citizens turned to different forms of informing. Philadelphians meeting in 1825 “insist[ed] on the Peace Officers being more vigilant in the Western parts of the City (Market Street particularly) in enforcing the Laws against the violation of the Sabbath & suppressing Houses not licensed to sell Liquor.”¹²³ Other petitioners sought state intervention; Harrisburg lawmakers received over 40 petitions regarding the granting of licenses to taverns and restaurants in the first half of 1832 alone.¹²⁴ Still others sought out allies in the press to apply pressure to lawmakers and courts. A Kensington resident inquired why his ward’s constable did not make returns, as was his “duty,” while “Public Good” called on the attorney general to inform the residents of Southwark “how many of the one hundred tippling houses of said ward have been returned to the present Quarter Sessions.”¹²⁵

Beyond just the practical difficulties in enforcing liquor license laws, there was the issue of moral complicity. Critics viewed the licensing system as a means of tapping the problem of drunkenness for revenue, or worse as society and government’s tacit approval of immorality (Fig. 2.3). William Moseley, editor of the *Public Ledger*, opined “that when a municipal government attempts to raise a revenue by licensing tippling houses, it gives special permission to violate the laws of God and man, and receives the

¹²² Mayor’s Correspondence, 1823:513, 1827:424, BCA.

¹²³ Samuel Franklin and John Sloan to Mayor Watson (July 25, 1825), Joseph Watson Papers (hereafter JWP), HSP.

¹²⁴ Petition count tallied from *Journal of the Forty-Second House of Representatives of Pennsylvania*, vol. 1 (Harrisburg, 1832).

¹²⁵ *Public Ledger*, Aug. 22, 1839 and Dec. 14, 1837.

wages of iniquity.”¹²⁶ Poet John Pierpont was elegiac in his criticism: “For so much gold, we license thee, / So say our laws, ‘a draught to sell, / That bows the strong, enslaves the free, / And opens wide the gate of hell. / For *public good requires* that some, / Since many die, should live by RUM.”¹²⁷ For these observers, regulating the retail of alcohol for the public good was incommensurate with regulating it for profit. A critic in 1847 declared the license system a “bundle of blunders ... a collection of unconsidered and inconsistent enactments, heaped up from time to time, as Indians are said to heap up their monuments, each passer-by casting upon it a stone.” Noting that unlicensed liquor sales outstripped the licensed kind—an assertion variously made or disputed throughout the antebellum period—the writer contemplated the broader moral and social effects of relying on a law that was “violated and laughed at with entire impunity.” He questioned whether licensing incentivized illicit commerce rather than circumscribing it.¹²⁸

Among the most earnest efforts to perform “the duty of the citizen” and “remedy the evils arising from tippling houses” were the proposed local-option measures, which sought to place the decision of licensing taverns in the hands of voters.¹²⁹ Some reformers viewed local option as the most “republican” way to regulate the liquor trade, since it did not force licenses upon all communities and purportedly removed the question from the realm of politics.¹³⁰ While these efforts produced legislative changes only in New England, temperance agitation shaped public attitudes towards licensing in many states, including Pennsylvania and Maryland. In December 1837, Maryland’s general assembly took up a petition signed by three thousand Baltimore residents “praying the passage of a

¹²⁶ *Public Ledger*, Dec. 14, 1837.

¹²⁷ John Pierpont, “License Laws” (Boston, 1832?), *American Broadside and Ephemera*, Series I.

¹²⁸ *North American*, Jan. 30, 1847.

¹²⁹ *Public Ledger*, May 30, 1843.

¹³⁰ *North American*, Jan. 30, 1847.

law to amend the license system,” only to be rejected overwhelmingly in the house.¹³¹

Another round of petitioning ten years later resulted in a committee report favorable to local option. That same year, Baltimore’s city council issued a resolution supporting local option, but little came of it. When lawmakers met in Annapolis in 1850 and 1851 to debate a new state constitution, delegates debated including local option but declined.¹³²

With a strong associational tradition and as a Quaker stronghold, Pennsylvania provided more fertile territory for licensing reform. In the absence of a charismatic leader like Maine’s Neal Dow, however, local option never became a legislative reality in the Keystone State. Instead, temperance advocates, newspaper editors, and judges called for three specific reforms: higher license fees, greater transparency of both the system of licensing and of taverns themselves, and fewer licenses. One columnist proposed increasing the cost of the license from \$100 to \$500 or \$1,000, which he hoped would make “each licensed tavern keeper a jealous and interested watch upon the illicit trader”—that is, make tavern keeping resemble a guild system. It would also provide revenue for a special police “devoted to the discovery and punishment of the wretch *unlicensed to distribute misery*.” The same article called attention to a prominent theme in license debates, as with the auction houses, claiming that political interests had become too deeply entrenched in the courts’ administration of licenses. Even when licenses were distributed as a form of patronage, another writer suggested, “Judges are overburdened with other business and cannot be expected to know personally the character of the

¹³¹ “Legislation in Maryland,” *Journal of the American Temperance Union* 3, no. 3 (March 1839): 37.

¹³² *Report of the Select Committee on the License Law* (Annapolis, 1847); Resolution No. 8 (1847), *Ordinances of Baltimore*. On temperance in Baltimore, see Patricia Dockman Anderson, “‘By Legal or Moral Suasion Let us Put it Away’: Temperance in Baltimore, 1829-1870” (PhD diss., University of Delaware, 2008), esp. 123-135. On the origins and influence of the Washingtonians, see Ronald G. Walters, *American Reformers, 1815-1860*, rev. edn. (New York: Hill and Wang, 1997), 133-136; Sutton, *Journeyman for Jesus*, 267-287.

houses licensed.”¹³³ Others felt courts wielded their authority too lightly, as one writer alleged: “The sentence of the Court frequently is, ‘Fined one cent and costs,’ a fine which [unlicensed tavern keepers] readily pay, considering it as a license to continue the traffic.”¹³⁴ Nevertheless, not everyone agreed on the need to remove license administration from the courts—residents of the county met in 1844 to voice support for the Quarter Sessions.¹³⁵

Debates returned again and again to the relationship between licensed and unlicensed taverns. Did limiting the number of licenses to be granted, raising license fees, or more providing more effective surveillance of licensed shops actually limit the unlicensed trade in liquor? Or did clamping down on licensed retailers only encourage more to resort to selling liquor without a license? Were unlicensed tippling shops the problem, or were taverns in general to blame? Opinions diverged around these questions. Some calls to root out the evils of alcohol focused only on unlicensed shops, like an 1849 report on Philadelphia’s African American community.¹³⁶ For others, little distinguished licensed and unlicensed tippling houses; as one Philadelphia grand jury pronounced in 1820, both were “overflowing foundations of misery and vice of every description.”¹³⁷ This problematic at the heart of liquor licensing was not to be resolved, at least not during the antebellum period (and, ultimately, not until the end of Prohibition). “Few temperance leaders were so naïve as to believe that the end of licensing would mean the end of liquor sales,” one historian maintains. “Rather, they wanted to drive the sellers

¹³³ *North American*, Nov. 6, 1845 and Feb. 18, 1840.

¹³⁴ *North American*, March 6, 1841.

¹³⁵ *Public Ledger*, Jan. 19, 1844. One writer noted that in the year after the Quarter Sessions took over the administration of liquor licenses in June 1838, the number of liquor licenses granted had reduced, 977 to 850. *Hazard’s United States Commercial and Statistical Register...* (Philadelphia, 1840), 1:358.

¹³⁶ *A Statistical Inquiry into the Condition of the People of Colour, of the City and Districts of Philadelphia* (Philadelphia, 1849), 39-40, 44.

¹³⁷ *Poulson’s American Daily Advertiser*, Nov. 1; 1820; *North American*, Sept. 4, 1851.

underground and destroy their legitimacy within the community.”¹³⁸ Still, for all the aspersions cast, many still viewed licensing as the most effective way for the public to police the sale of liquor—and that licenses should remain rooted in the neighborhood-level micropolitics of reputation.

Conclusion: The long view of licensing

Licensing thus illuminates the transforming relationship between the individual and the state in Jacksonian America, when the state assumed a more indirect role in supplying the rule of order, socially and economically. Licensing also provides an index to shifting attitudes towards regulation in nineteenth-century America. This is in large part because license laws were designed, according to a late-nineteenth-century legal theorist, to “fluctuate with the changes of feeling continually occurring in society as to the best mode of regulating subjects having in them, when unregulated, an element of danger to social interests.”¹³⁹ This reference to social “dangers” points to another facet of licensing’s significance—its use by social and political authorities in containing the geographic mobility and economic autonomy of a number of groups, especially African Americans and the poor, who were cordoned off from the new liberal order. Particularly in the second half of the nineteenth century, licensing would be employed to preserve the status quo. An increasing number of professions, from medicine to barbering (which was first licensed in 1897), leaned more heavily on license requirements to police the boundaries of trade. Likewise, municipal corporations adapted licensing to function

¹³⁸ W. J. Rorabaugh, “Prohibition as Progress: New York State’s License Elections, 1846,” *Journal of Social History* 14, no. 3 (Spring 1981): 426. For an analysis of the techniques of “moral suasion” employed by Philadelphia reformers, see Bruce Dorsey, *Reforming Men & Women: Gender in the Antebellum City* (Ithaca: Cornell University Press, 2002).

¹³⁹ Dwight, “License Laws,” 799.

alongside nuisance ordinances, and in the twentieth century zoning laws, in restricting which types of commercial activities could be legally pursued in the city and where. In treating licenses as dynamic regulatory instruments, Progressive-era urban authorities shared much in common with city fathers a century earlier.

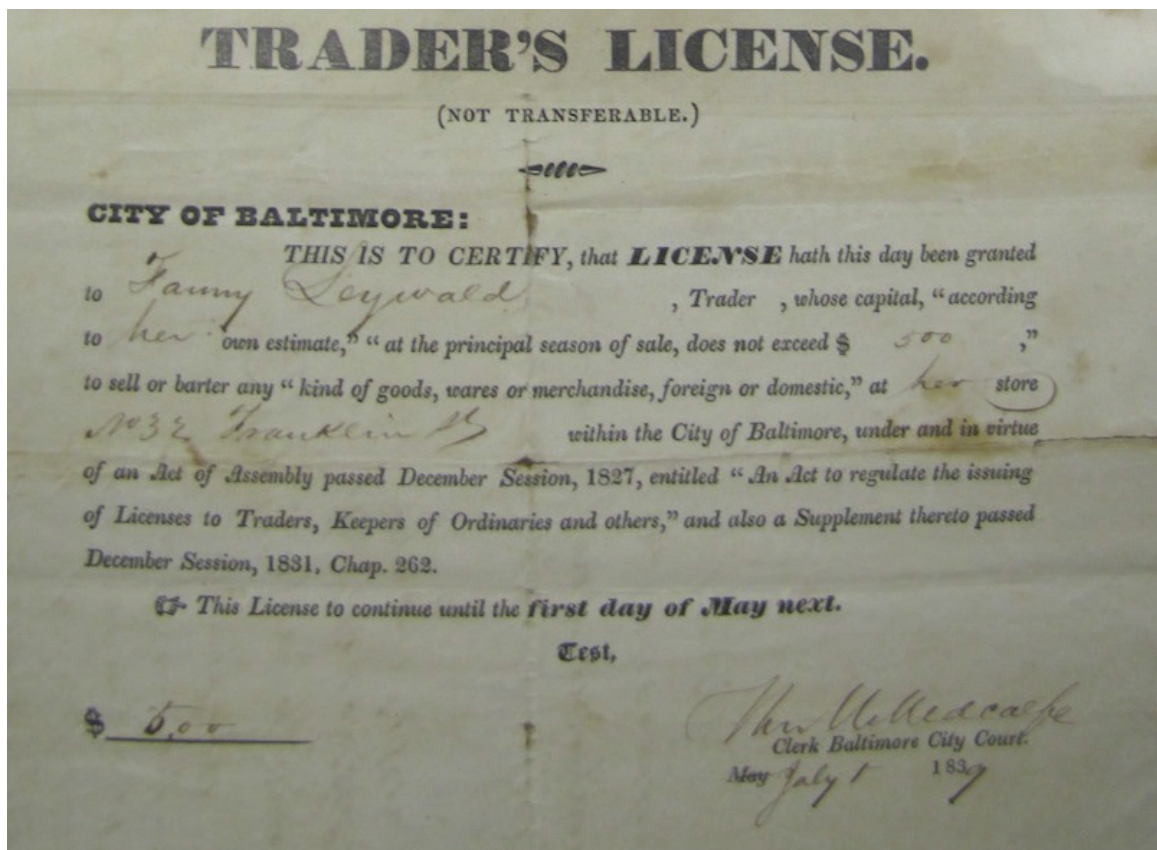


Fig. 2.1. Fanny Legwald's trader's license, 1839. Her small retail shop on Franklin Street was required to keep less than \$500 in stock, and she paid Maryland \$5 annually for the license. Maryland Historical Society.

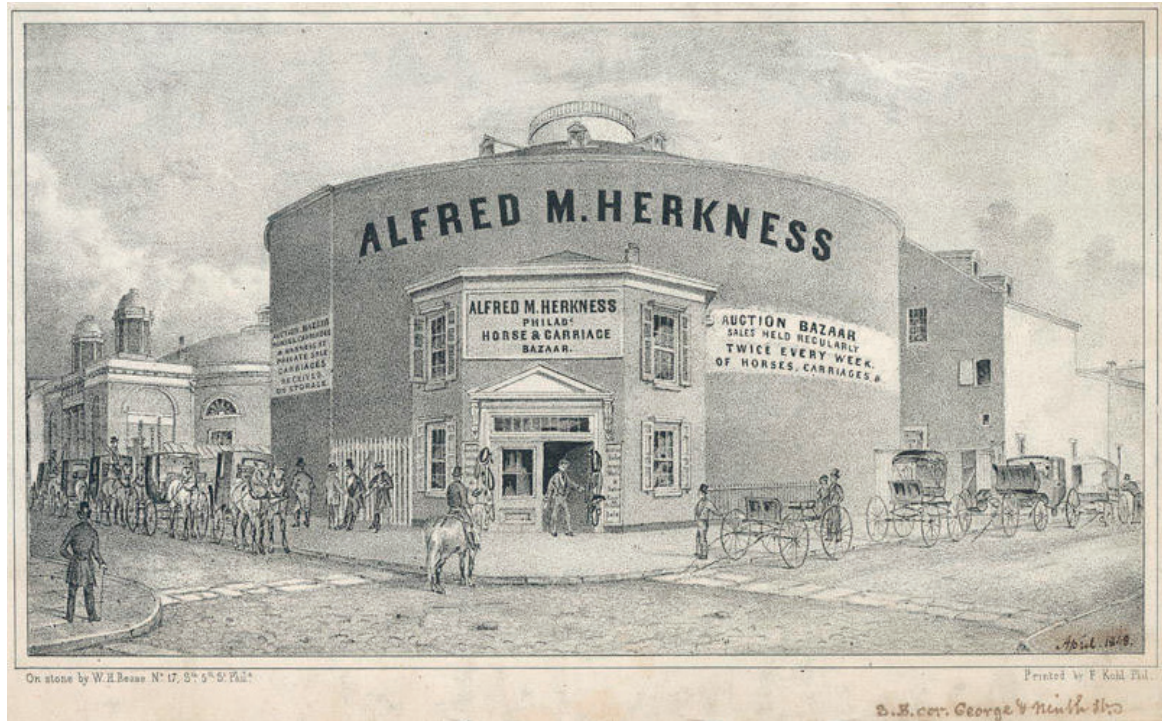


Fig. 2.2. Philadelphia horse & carriage bazaar, southeast corner of Ninth and George Street, 1848. Herkness' auction house dwarfs the street. Library Company of Philadelphia.



Fig. 2.3. James Akin, "Philadelphia taste displayed; Or, bon-ton below stairs," ca. 1830. Posted to the bar in front of the African-American bartender is a hastily written note: "City Privilege still without license." Like formal licenses, it was displayed so occupants could see it. Historical Society of Pennsylvania.

Chapter Three: Standard Issues

Piled up on the wharves at the foot of Centre and High Street Markets were the symbols of the early republic city's integration into the global economy: casks (Fig. 3.1). Not only did casks contain the commodities—flour, meal, tobacco, meat, fish, guano, alcohol, and the like—that keyed the growth of Baltimore and Philadelphia into world port cities, but the vessels themselves were also significant. Officially appointed product inspectors emblazoned these casks with a series of hieroglyphs intended to convey the quality and quantity of the commodities contained within. Impersonal and abstract market transactions—captured in the image of uniform and opaque casks standing in rows along the waterfront—required assurances of value across time and space. In the early republic, city and state officials forcefully assumed responsibility for this substantial task, developing regulatory systems that mandated the inspection of everything from the firewood burned in nearby homes to the flour consumed by West Indian slaves.

The municipal inspection system had two principal, overlapping objectives: promoting the city's commercial reputation and protecting consumers near and far from fraud. But its effects were far more expansive. Inspection fused the reputations of an increasingly intricate web of commercial actors into a single brand, an effective form of shorthand for conveying value to buyers around the world—a commercial *lingua franca* that made possible the governance of commodities' increasingly rapid circulation through the global economy. The municipal brand promoted a series of narratives about a product's value relative to an identifiable standard, the expertise of officials to render a commodity's inherent qualities legible, the expanding scope of the city or state's

commercial influence, and the power of the state to orchestrate the economic activities of the people. While all engaged in domestic and foreign commerce found the various symbols on otherwise identical casks indispensable, what those symbols denoted and who controlled their use and meaning were contested issues. Many contemporaries were quick to write off inspection as a relic of mercantilism, an arcane and futile attempt at protectionism in an open marketplace. Nevertheless, the diversity of these contests over the meaning and practice of the brand suggests inspection laws were anything but backward looking.

The inspection system represented perhaps the most all-encompassing, certainly the most ambitious, attempt by the antebellum state to shape the economic and social contours of the marketplace. Indeed, with product laws, local and state governments sought to mediate virtually every stage of the production and sale of commodities, both in domestic and foreign markets. Despite sustained interest in the emergence of standardization, a hallmark of nineteenth-century capitalism, the role of local and state inspection practices has received scant attention from historians. Scholars, most notably William Cronon, usually identify Chicago's grain trade as the point of origin for modern grading standards, developed by mercantile leaders in the 1840s and 1850s to facilitate quicker processing and evaluation of grain as it poured through the city. In Cronon's evocative analysis, grading liberated grain from the burlap sacks in which it was transported from farm to market, effectively erasing the identity of the producer and recasting the boundaries between industry and nature.¹ This chapter places this

¹ William Cronon, *Nature's Metropolis: Chicago and the Great West* (New York: W. W. Norton, 1991), 104-142. See also Lowell D. Hill, *Grain Grades and Standards: Historical Issues Shaping the Future* (Urbana: University of Illinois Press, 1990); Harry Fornari, *Bread Upon the Waters: A History of United States Grain Exports* (Naperville, IL: Aurora Publishers, 1973), 45-61; Richard O. Zerbe, Jr., "The Origin

development earlier in time and points to the active role of the state in the abstraction of commodities from their sources.

The ambitious reach of the municipal inspection system illustrates how the identity of producers long had been concealed from the end product. Furthermore, the municipal inspection system produced and normalized the infrastructures (warehouses, improved roads and expanded wharves, railroad depots), routines (work processes of farmers, packers, and tradesmen), and criteria that urban capitalists—working through quasi-state entities, boards of trade—would adopt and refashion as “industry” standards in the second half of the nineteenth century. At the same time, direct oversight of branding and trademarking shifted from city and state governments to an increasingly consolidated mercantile community after 1850.²

Recovering the place of local and state government actors in nineteenth-century commodity chains serves to illustrate Arjun Appadurai’s claim that the circulation of commodities is an inherently political process—not only because it underscores the dynamics of “privilege and social control,” but also because commodities persistently contravene structures of evaluation established by those in power to contain the flow of goods. Each step along the commodity chain was marked, as another theorist has written,

and Effect of Grain Trade Regulations in the Late Nineteenth Century,” *Agricultural History* 56, no. 1 (Jan. 1982): 172-193.

² Alfred Chandler, *The Visible Hand: The Managerial Revolution in American Business* (Cambridge, MA: Belknap Press of Harvard University Press, 1977), 211-212; Sven Beckert, *The Monied Metropolis: New York City and the Consolidation of the American Bourgeoisie, 1850-1896* (Cambridge, UK: Cambridge University Press, 2001). For its significance to twentieth-century consumer capitalism, the evolution of branding in the nineteenth century has received little attention until recently. Terri Lonier, “Alchemy in Eden: Entrepreneurialism, Branding, and Food Marketing in the United States, 1880-1920,” *Enterprise & Society* 11, no. 4 (Dec. 2010): 695-708; David M. Higgins, ““Forgotten Heroes and Forgotten Issues”: Business and Trademark History during the Nineteenth Century,” *Business History Review* 86 (Summer 2012): 261-285; Karl Moore and Susan Reid, “The Birth of Brand: 4000 Years of Branding,” *Business History* 50, no. 4 (July 2008): 419-432; John Mercer, “A Mark of Distinction: Branding and Trade Mark Law in the UK from the 1860s,” *Business History* 52, no. 1 (Feb. 2010): 17-42; Aashish Velkar, *Markets and Measurements in Nineteenth-Century Britain* (New York: Cambridge University Press, 2012), 171-217.

by ever-present “drama ... in the uncertainties of valuation and of identity.”³ As global commodity chains grew in scale and complexity from the 1790s to the 1850s, Baltimore and Philadelphia authorities found managing the circulation of goods through geographic and commercial space to be untenable and, more importantly, undesirable. City leaders turned their efforts to more liberal forms of regulating the flow of goods. Namely, they worked to ensure commodities’ circuitous paths through their cities would encounter as little friction as possible, for the city’s commercial reputation depended more and more on considerations of time rather than quality.

I. Flour inspection and the business of reputation

The foundations of modern commodity inspection—creating quality standards, establishing uniformity in weights and measures, and centralizing its administration—were forged through centuries of negotiation between the state, human labor, nature, and technology. Every society that engaged in medium- or long-distance trade instituted its own system for gauging the value of goods. These systems of measurement arose from local practice, producing an endless variety of customs that resisted all efforts at standardization or codification. Rather than adhere to any sense of objective accuracy, James Scott writes, “every act of measurement was an act marked by the play of power relations,” from the size of the bushel to the methods in which grain was packed.⁴ The

³ Arjun Appadurai, “Commodities and the Politics of Value,” in *The Social Life of Things: Commodities in Cultural Perspective*, ed. Appadurai (Cambridge: Cambridge University Press, 1986), 57; Igor Kopytoff, “The Cultural Biography of Things: Commoditization of Process,” in *Social Life of Things*, 90. For recent work attempting to place commodity chains in historical perspective, including the role of government intervention, see Steven Topik, “Historicizing Commodity Chains: Five Hundred Years of the Global Coffee Commodity Chain,” in *Frontiers of Commodity Chain Research*, ed. Jennifer Bair (Palo Alto, CA: Stanford University Press, 2009), 37-62.

⁴ James C. Scott, *Seeing Like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven: Yale University Press, 1998), 27.

birth of the Enlightenment, the development of the nation-state, and growth in long-distance trade finally enabled Britain and France to impose a standard from above.⁵ As will be seen, however, this hardly ameliorated the micropolitics involved in every act of inspecting the quantity or quality of a commodity.

French and British attempts to create national (and imperial) standards provided colonial and early national Americans with their primary sources of inspiration. Revolutionary and Napoleonic reforms in France proved an extensive, centralized, and well-ordered system of inspection was possible. The development of inspection was closely tied to the consolidation of state power, as the British reforms of the late seventeenth and early eighteenth centuries reflect. Impelled by a growing faith in science and a desire to more effectively levy taxes on commerce, the Crown set to work enacting an expansive system of weights and measures at the end of the seventeenth century. In addition to maximizing revenue, Miles Ogborn argues, regularizing the “capacity of the cask” and the system by which officials inspected and taxed those casks served to consolidate state authority, not least of all because imposts funded new wars. In particular, the use of numbers—scribbled in excise ledgers and stamped on barrels—was “an attempt ... to make intelligible and controllable, through an imagined geography (and anatomy) of boundaries and circulation, the workings of a ‘political oeconomy.’”⁶ By the last half of the eighteenth century, then, there existed a growing faith in the state as the

⁵ Witold Kula, *Measures and Men*, trans. R. Szepter (Princeton, NJ: Princeton University Press, 1986); John Perry, *The Story of Standards* (New York: Funk & Wagnalls, 1955); Ken Alder, “A Revolution to Measure: The Political Economy of the Metric System in France,” in *The Values of Precision*, ed. M. Norton Wise (Princeton, NJ: Princeton University Press, 1995), 39-71; Ronald Edward Zupko, *Revolution in Measurement: Western European Weights and Measures Since the Age of Science* (Philadelphia: American Philosophical Society, 1990), 25-175; J. L. Heilbron, “The Measure of Enlightenment,” in *The Quantifying Spirit in the 18th Century*, eds. Tore Frängsmyr, J. L. Heilbron, and Robin E. Rider (Berkeley: University of California Press, 1990), 207-242.

⁶ Miles Ogborn, *Spaces of Modernity: London’s Geographies 1680-1780* (New York: Guilford, 1998), 158, 162-165, 173.

final arbiter of the standards by which commodities crisscrossing the Atlantic were to be evaluated.

In America, British influence was most immediately felt in the welter of colonial inspection laws. English weights and measures were notoriously stubborn to standardization before the nineteenth century. Beyond the discrepant physical criteria of standards—relying most often on human-scale measurements that varied from person to person—rural adherence to moral economy thwarted enforcement of weights and measures that did not accord with custom.⁷ Staple commodities intended for export were almost universally singled out for compulsory inspection: lumber, beef, and pork from all colonies; fish from New England; flour from Pennsylvania; tobacco from Maryland and Virginia; and rice and indigo from South Carolina. The consensus among economic historians has maintained that inspection laws were haphazardly established to respond to falling staple prices and “usually abandoned with the recovery of prices for the principal export.”⁸ Some colonial legislators seemed more attuned to their long-term commercial reputation than this interpretation grants them. Pennsylvania’s first law prohibiting the export of unmerchantable flour in 1724 arose from complaints of Jamaican planters “that the reputation of a place once famed for the best flour in America, has become so

⁷ E. P. Thompson, “The Moral Economy of the English Crowd in the Eighteenth Century,” *Past and Present* 1 (1971): 98, 102; Julian Hoppit, “Reforming Britain’s Weights and Measures, 1660-1824,” *English Historical Review* 108, no. 426 (January 1993): 82-104.

⁸ John J. McCusker and Russell R. Menard, *The Economy of British America, 1607-1789* (Chapel Hill: University of North Carolina Press for the Institute of Early American History and Culture, 1985), 126; Cathy Matson, “‘Damned Scoundrels’ and ‘Libertisme of Trade’: Freedom and Regulation in Colonial New York’s Fur and Grain Trades,” *William and Mary Quarterly*, 3rd ser., vol. 51, no. 3 (July 1994): 389-418; Albert A. Giesecke, *American Commercial Legislation Before 1789* (New York, 1910), 84-90; Mary McKinney Schweitzer, “Economic Regulation and the Colonial Economy: The Maryland Tobacco Inspection Act of 1747,” *Journal of Economic History* 40, no. 3 (September 1980): 551-569; Schweitzer, *Custom and Contract: Household, Government, and the Economy in Colonial Pennsylvania* (New York: Columbia University Press, 1987), 169-191; Newton B. Jones, “Weights, Measures, and Mercantilism: The Inspection of Exports in Virginia, 1742-1820,” in *The Old Dominion: Essays for Thomas Perkins Abernethy*, ed. Darrett B. Rutman (Charlottesville: University Press of Virginia, 1964): 122-134.

corrupted, that housekeepers are scarcely persuaded to look on Pennsylvania flour.” Still not satisfied with foreign opinions of the state’s flour, the assembly strengthened its regulations a decade later.⁹

Colonial inspection legacies played out in two important ways in the early republic. The first was to leave weights and measures in disarray, with the federal government alternately unable and unwilling to create a national standard. Concerted attempts made in the 1790s, 1820s, and 1840s failed to yield a national system of weights and measures. It was not for lack of political acumen or effort among its supporters, among them Thomas Jefferson and John Quincy Adams.¹⁰ Nor was there any indication of resistance among the nation’s commercial communities, only impatience. In 1803, city residents petitioned the state legislature that Baltimore’s mayor and city council “be empowered to provide for the safe keeping of the Baltimore County Standard of Weights and Measures of the City and Precincts, until Congress shall find it expedient in their wisdom to provide otherwise.” Acknowledging that “much fraud and imposition may be practiced from the want of such standard,” the state granted the petitioners’ request.¹¹

Federal inaction thus allowed state and local weight and measure standards to proliferate. While parties of two different states might agree to the use of a bushel for measuring purposes, their definition of a standard bushel might differ. A ton might not be a ton—and so it was for merchants whose states required the use of long tons (2240 lbs.) even when they dealt with traders employing short tons (2000 lbs.). A hundredweight

⁹ John F. Watson, *Annals of Philadelphia* (Philadelphia, 1830), 714; Ch. 282 (1724-25), Ch. 332 (1733-34), *Laws of the Commonwealth of Pennsylvania*, eds. M. Carey and J. Bioren, vol. 1 (Philadelphia, 1803); *Minutes of the Common Council of the City of Philadelphia, 1704 to 1776* (Philadelphia, 1847), 225-226; Arthur L. Jensen, “The Inspection of Exports in Colonial Pennsylvania,” *Pennsylvania Magazine of History and Biography* 78, no. 3 (July 1954): 275-297.

¹⁰ Perry, *Story of Standards*, 56-92.

¹¹ Mayor’s Correspondence, 1803:196, BCA; Ch. 108 (1805), *Session Laws of Maryland*.

(100 lbs.) might not even correspond to another hundredweight (112 lbs.)! In his 1821 report advocating a national standard, Adams assiduously detailed the warren of standards in use. As late as 1810, Pennsylvania's weights and measures were based on a 1700 statute, which replicated the capricious terminology of a London assize law meant to crack down on retailers of spirits. The picture was no clearer for Maryland's weights and measures, which as of 1821 still operated from a 1671 statute, based on a 1496 act of Parliament. Not only were the laws antiquated but sometimes even the physical instruments used to enforce them. Philadelphia's keeper of standards informed Adams that his instruments were over a century old, brought from England by William Penn. In continual use ever since, he noted, "of course they cannot be very correct."¹²

While critics like Philadelphia's keeper of standards viewed the irregularity of weights and measures as a "serious evil" that disrupted interstate trade, the diversity and fluidity of quality standards provoked little hue and cry. This partly arose from differences in geography and soil, since wheat grown in Pennsylvania possessed different physical and fungible properties than Virginia wheat.¹³ Indeed, it will be seen that different quality standards on the whole facilitated competition between urban markets. In contrast to weights and measures, however, precedents for establishing a comprehensive system of quality standards in the early republic were sketchy. Far more room existed for interpretation and conflict in distinguishing between first- and second-rate products than in ascertaining their volume or weight. This built-in uncertainty provided the state its impetus for intervention, taking control of processes that had developed over centuries through everyday practices of traders in various articles to

¹² *Report of the Secretary of State, Upon Weights and Measures* (Washington, 1821), 201 (quote), 103-108.

¹³ Of course, this had some bearing on the variability of weights and measures, for colonial legislatures calibrated their standards according to their primary staples. *Report Upon Weights and Measures*, 104.

placate their customers.¹⁴ If quantity standards represented “a ‘package’ of artifacts, customs, and regulations,” as economic historian Aashish Velkar puts it, then quality standards offered another “package” for legislators, officials, and customers to unwrap.¹⁵

The need for technical standards to evaluate, describe, and ultimately price commodities was especially acute for wheat. Not only was wheat (especially flour) the most perishable article in the early-nineteenth-century Atlantic economy, it was also the wellspring of Baltimore and Philadelphia’s commercial prosperity. As tobacco declined as the principal American staple, wheat gained and in 1790 became the new nation’s chief export (before being eclipsed by cotton). What made the grain trade such a boon for the two cities, in contrast to staples like tobacco, was the variety of economic activities and innovations it fostered. Miller-merchants leveraged a prodigious amount of capital to construct mills using the newest technologies, at the same time that flour sparked investment in mid-Atlantic internal improvements.¹⁶ As early as the 1750s, but particularly after 1790, Baltimore and Philadelphia jockeyed for command of central Pennsylvania’s amber waves of grain, a rivalry that profoundly shaped the contours of commercial and political life in the two cities for many decades to come.

Scores of municipal ordinances and state laws from the 1770s to the 1810s testify to the high stakes of dominating the mid-Atlantic grain trade. “Whereas flour has become the great staple of the State of Maryland,” one of Baltimore’s first ordinances began in 1797, and “a principle article of exportation from the City of Baltimore ... it is highly

¹⁴ Steven Laurence Kaplan, *Provisioning Paris: Merchants and Millers in the Grain and Flour Trade During the Eighteenth Century* (Ithaca: Cornell University Press, 1984), 55.

¹⁵ Aashish Velkar, “*Caveat Emptor*: Abolishing Public Measurements, Standardizing Quantities, and Enhancing Market Transparency in the London Coal Trade c1830,” *Enterprise & Society* 9, no. 2 (June 2008): 286.

¹⁶ G. Terry Sharrer, “The Merchant-Millers: Baltimore’s Flour Milling Industry, 1783-1860,” *Agricultural History* 56, no. 1 (January 1982): 138-150; Sharrer, “Flour Milling in the Growth of Baltimore, 1750-1830,” *Maryland Historical Magazine* 71, no. 3 (Fall 1976): 327-330.

important to establish its reputation by every wise and prudent measure.”¹⁷ Private interest no doubt informed some of this legislative activity, as a high proportion of the two cities’ political elite was personally invested in the flour export trade. Some flour merchants, like Robert Wharton of Philadelphia and George Stiles of Baltimore, ascended to the mayoralty.¹⁸ Many others connected with the trade were elected to the city councils. Reflecting more hidden circuits of power, the signatures of Baltimore’s most prominent merchant-milling families—Owings, Ellicott, Hollingsworth, Jessop, and Tyson—were strewn across petitions to the city council in the first decades of incorporation. If lawmakers needed prompting beyond self-interest, however, fluctuations in the flour trade between 1793 and 1815 provided it.

Flour provides a clear illustration of the first of two stimuli for product laws: building, preserving, and restoring the city’s reputation abroad. “In our Inspection laws,” Mayor James Calhoun instructed Baltimore’s city council in 1804, “the principal object must be to support the credit at foreign markets of our exports.”¹⁹ Few things mortified merchants and city officials more than foreign customers complaining that their flour arrived in poor condition. Whether the degraded condition of the flour arose from a subpar wheat crop, negligent milling practices, or inferior coopering of barrels, Baltimore’s brand suffered all the same. Nearly all parties in flour’s production held a stake in maintaining the brand, however, and submitted readily to inspection. Reputation reflected not only quality, but also predictability. Foreign consumers quickly tired of receiving shipments that varied in fineness, purity, and weight. One customer, an English merchant, wrote of his “reason to dread [Baltimore flour] having never been lucky in the

¹⁷ No. 13 (1797), *Ordinances of Baltimore*.

¹⁸ Stiles was mayor from 1816 to 1819, while Wharton served 14 terms between 1798 and 1824.

¹⁹ City Council Records, 1804:199, BCA.

article from that quarter.” He instead preferred Philadelphia’s flour.²⁰ Because reputation was relational, lawmakers and inspectors frequently calibrated their standards with those of competing markets, sending for samples of flour and other commodities from other cities to compare with their own.

Commencing in the 1790s, one historian writes, Baltimore and Philadelphia engaged in “a commercial conflict, waged by traders and merchant millers who competed in the marketplace, aided by legislators writing new laws, and measured by export statistics.” Baltimore may have captured the majority of the mid-Atlantic wheat market, but Philadelphia remained the leading port for flour exports. Between 1793 and 1815, Philadelphia flour typically outsold others by two dollars per barrel. So long as Baltimore’s inspection standards lagged behind Philadelphia’s “more elaborate and stringent” system, mid-Atlantic farmers and merchants channeled their product through Philadelphia.²¹ That they did so in spite of the potential headaches posed by the greater vigilance and discrimination of Philadelphia flour inspectors attests to their belief in the power of the municipal brand in the early republic.

Maryland lawmakers, noting the “great disadvantages” under which Baltimore commerce suffered “by reason of the inspectors of said city not being authorized to inspect flour and other articles,” granted the city more independence from state laws to appoint its own flour inspectors, determine inspection fees, and manage standards in 1804.²² It seems the city already had begun ramping up its efforts, however, as one petitioner recalled that a “vogue for Inspectors and such things seized the minds of the

²⁰ Brooke Hunter, “Wheat, War, and the American Economy during the Age of Revolution,” *William and Mary Quarterly*, 3rd ser., vo. 62, no. 3 (July 2005): 525.

²¹ Hunter, “Wheat, War, and the American Economy,” 522, 525.

²² Ch. 88 (1803), *Session Laws of Maryland*.

People” in 1803.²³ Baltimore passed its first flour ordinance in 1797 and spent the next three decades refining the inspection and weighing process, enacting laws in 1803, 1804, 1807, 1809, 1812, 1819, 1821, 1822, and 1826.²⁴ It seemed to work. Even as the city faced unprecedented obstacles to trade by the British blockade and an ice-choked harbor in 1813, Baltimore’s mayor could rejoice: “Our regulations for the inspection [of flour] previous to exportation ... have raised its character & credit in foreign markets.”²⁵ That Baltimore had inspected a record number of barrels of flour in 1812 (553,000) supplied cause for enthusiasm, but the mayor may have tempered it had he known that 1813 and 1814 would witness a dramatic drop (to 291,000 and 156,000) and that it would not be until 1820 that the port again inspected over 500,000 barrels.²⁶ Nevertheless, the numbers supplied by inspectors, combined with visual evidence of more ships’ masts thronging the harborscape, buoyed the city’s efforts to enact rigorous laws.

Philadelphia’s city council and flour inspectors responded in kind, but their efforts illustrate the risks of raising quality standards above what the market could sustain. Many viewed the city’s flour inspectors as the most demanding and skilled in the nation. An 1813 editorial praised Philadelphia flour inspectors’ “rigor, severity and exactitude” in maintaining the city’s standards, which were validated by “the general high character of the Philadelphia brand in all foreign markets.”²⁷ Philadelphia’s flour inspectors ruled with an iron brand, quick to reject not only the flour of individual millers but of entire regions. Their tendency to view “all of the flour from Virginia & Maryland” as substandard

²³ City Council Records, 1819:253, BCA.

²⁴ No. 13 (1797), 16 (1803), 14 (1804), 32 (1807), 15 (1809), 15 (1812), 7 (1819), 45 (1821), 31 (1822), 22 and 35 (1826), *Ordinances of Baltimore*.

²⁵ City Council Records, 1813:465, 1817:384, BCA.

²⁶ James Weston Livingood, *The Philadelphia-Baltimore Trade Rivalry, 1780-1860* (Harrisburg: Pennsylvania Historical and Museum Commission, 1947), 26.

²⁷ *Democratic Press* (Philadelphia), June 15, 1813.

revealed a regional bias for Pennsylvania and Delaware flour. As a result, mid-Atlantic merchant-millers increasingly brought their lower quality flour to Baltimore, where it might receive a higher rating and fetch a modestly better price.²⁸ Most of this flour was shipped to the Spanish West Indies and later South America, much of it fed to slaves. With the end of imperial warfare in 1815, the European market for higher-quality American flour dried up. Meanwhile, West Indies and South American demand for coarser flour (less prone to spoilage in heat and humidity) proceeded unabated, with Baltimore ideally positioned to supply it. That year marked the first time Baltimore's flour inspections surpassed all other American ports. The city would reign until 1827, when the opening of the Erie Canal finalized New York's ascension as the preeminent flour market.²⁹

II. Unraveling the commodity chain

Related to the issue of reputation, inspection also sought to eliminate traces of fraud from the commodity chain. Potential for deception lurked at several points in the production process, most obviously at the point of sale. Public markets, according to many observers, abounded with venders using false measures or furtively placing a finger on the scale while weighing. That deception was associated with particular individuals or trades illustrates another valence of reputation in the inspection system. An 1821 petition requested the city "adopt some standard for the measurement of Ashes ... for the characters and habits of the Ashmen are well known."³⁰ When the products of wealthier merchants were found to be fraudulent in quantity or quality, these men sought to

²⁸ Hunter, "Wheat, War, and the American Economy," 525-526; City Council Records, 1818:473, BCA.

²⁹ Sharrer, "Merchant-Millers," 142.

³⁰ City Council Records, 1821:355, 1824:443, BCA.

dissociate themselves from the deception. In 1815, merchant-miller Jesse Tyson sought to lay blame with his miller's assistant, whom he immediately fired. He offered to pay a fine for forty-seven barrels of flour found underweight, admitting that it was the perception "that I wished to take an advantage [that] grieves me most."³¹ Tyson was not willing to have his own reputation tarnished to preserve the Baltimore brand and, like many employers, willingly sacrificed his hired help to save face. This dynamic became increasingly salient during the first half of the nineteenth century, as rural wage labor grew and Maryland's merchant-millers found their competitive advantages dwindling in the international market by the 1830s.³²

With commodity chains growing more intricate, there emerged many more opportunities for fraud to insinuate itself into the string of transactions. This fact prompted authorities to police not only the products themselves, but also their packaging and even the inspectors. Each product presented its own dilemmas for regulation. Largely homogeneous bulk articles, like coal, salt, hay, or ice, required only measurement to determine its value.³³ For wood, lime, pot and pearl ashes, plaster of Paris, turpentine, and other construction or manufacturing materials, closer visual inspection was necessary to check for surface imperfections or improper admixtures, in addition to measuring or weighing.³⁴ Not all product laws had a long lifespan. Brick briefly was subjected to inspection in 1797—at the same time wooden building construction was being outlawed in the city—only to be repealed the following year after complaints from brickmakers

³¹ City Council Records, 1815:283, 282, 284, 346, BCA.

³² On the nature of rural wage labor in Maryland wheat production, see Max Grivno, *Gleanings of Freedom: Free and Slave Labor along the Mason-Dixon Line, 1790-1860* (Urbana: University of Illinois Press, 2011).

³³ No. 43 (1797), 18 (1799), 7 (1815), 35 (1846), *Ordinances of Baltimore*. (Note: ordinances cited in the next several paragraphs represent only the first act of legislation on the product, not following revisions.)

³⁴ No. 17, 20 (1797), 96 (1798), 45 (1807), 4 (1819), 27 (1826), *Ordinances of Baltimore*.

that it added unnecessary costs and labor.³⁵

An issue of public health as well as economy, foodstuffs entailed a far more exhaustive set of checks. In addition to weighing articles, sometimes emptying barrels of their contents to verify the tare, inspectors of beef, pork, and fish pried open one out of every few casks to determine how many cuts had been packed, whether there were visual or olfactory indications of unsound provisions or improper cuts, and the amount of pickling solution. Butter and lard inspectors bore a hole in the cask and withdrew a sample, inserting a specially designed “hollow iron searcher of one half inch in diameter” diagonally to ensure the contents were sound beneath the surface.³⁶ The inspection of wheat, corn, flaxseed, and other dry provisions used the same method of extracting a sample to compare with standard samples supplied by the general inspector of the city or state, closing the hole with a wooden plug. Finally, gaugers of whiskey, rum, and wine started a trickle directly into their hydrometer, which measured the alcohol content.³⁷ In addition to protecting consumers from fraud, the inspection of articles such as salted fish served, city lawmakers wrote in 1824, as “ramparts [erected] entirely around the city to repel the attacks” of yellow fever and other diseases. As a form of consumer protection, then, product inspection worked with other public health and safety regulations, such as quarantines and gunpowder storage requirements, to ensure the safe transmission of potentially deadly commodities through the antebellum city.³⁸

Product laws also established the dimensions of the container in which goods

³⁵ No. 64 (1797), 70 (1798), *Ordinances of Baltimore*; City Council Records, 1798:150, BCA.

³⁶ No. 9 (1797), 27, 28 (1807), No. 8, 9 (1803), *Ordinances of Baltimore*.

³⁷ No. 13 (1797), 40 (1800), 1 (1805), No. 98 (1798), 15 (1799), *Ordinances of Baltimore*.

³⁸ City Council Records, 1824:378, 1823:323, BCA. William Novak, *The People's Welfare: Law & Regulation in Nineteenth-Century America* (Chapel Hill: University of North Carolina Press, 1996), 53-71, 204-217.

were shipped, as well as the manner in which they were to be packed. A 1799 ordinance regulating the inspection of casks of liquor was typical in its exactitude, declaring casks

shall be made of well seasoned white oak, free from sap, round at the bilge and heads, the staves thereof shall not be less than half an inch in thickness at the thinnest part thereof, and not more than three-fourths of an inch at the thickest part thereof, and shall be made tight and secured with twelve good and sufficient hoops on all barrels, and sixteen good and sufficient hoops on all double barrels and hogsheads.

The ordinance was a response to “the badness of casks” and “fraudulent practices used by persons bringing such liquors to the city of Baltimore for sale.”³⁹ How authorities came to these specifications seldom was spelled out, though it appears the (often contradictory) input of inspectors, merchants, manufacturers, and coopers, combined with past customs and methods drawn from other cities, shaped package requirements. In his 1811 application for reappointment, the city fish inspector noted the “general derangement” of the trade before his arrival, which he corrected by preventing the use of “old barrels” and “new ones slightly made.” To assume more complete control of the packing process, lawmakers also enacted laws regulating the inspection of oak staves and heading used in coopering.⁴⁰

Poorly coopered barrels threatened the integrity of the contents as well as the inspector and the city brand (Fig. 3.2). In 1814, fish inspectors requested the authority to condemn poorly constructed casks. Noting that “it is not uncommon for men intoxicated and small apprentices and careless Boys” to cooper the barrels, they often had “found the

³⁹ No. 15 (1799), *Ordinances of Baltimore*.

⁴⁰ City Council Records, 1811:345, BCA; No. 23 (1803), *Ordinances of Baltimore*.

Barrels leaking, not nailed, the hoops loose, and in every respect in bad order.” With the pickle leaking and flies swarming, the fish would “keep but very little while.” Unable to condemn the product on “bad cooperage” alone, they wrote, “it is very painful to us to Stamp them with the public Brands” when they know it “is spoiled irrecoverably.”⁴¹ The value of commodities—and thus the reputation of all involved—was contingent on its packaging.

As stipulating the size and construction of containers mattered only if they were properly filled, there was a move to standardize the packing process. Here, as in other respects, customs collided and created room for flexible practices. Proponents of a heaped or rounded measure, which took into account loose articles that settled over time, clashed with those who preferred a struck or level measure for its perceived uniformity. A petition of millers in 1821 against the selling of wheat offal (bran, shorts, and ship-stuff) by heaped bushels indicated the general trend towards regularity. It bemoaned “the impossibility of fixing the precise quantity of the articles sold by this mode, mak[ing] so great a difference in its value” as to produce “a greater variance of price therein than in any other article” the millers manufactured.⁴² The city complied, passing an ordinance that stipulated wheat offal “shall be stricken with a straight strike, rounded on the edges of at least three-quarters of an inch in thickness, and not less than four inches broad.” Uniformity was limited to the measuring of individual articles, as an 1830 ordinance provided for cut straw to “be heaped as long as it will lie on the measure without pressing.”⁴³ After a certain point, the products of nature dictated their own methods of regulation, regardless of the technologies at the disposal of the state.

⁴¹ City Council Records, 1814:233, BCA.

⁴² City Council Records, 1821:371, 355, BCA.

⁴³ No. 26 (1821), No. 18 (1830), *Ordinances of Baltimore*.

Ultimately, the inspection system functioned only as well as the inspectors themselves. Their ability to make accurate and quick judgments was essential to orchestrating the flow of commodities through the city. Because of requirements that appointees “shall be skilled in the knowledge and properties of butter,” to take one example, most inspectors had previous experience with the product in some capacity.⁴⁴ Work could be grueling, as inspectors traversed the city several times and lifted untold thousands of pounds every season, and clients were not always gracious. Each article required inspectors to work quickly in all types of weather, with workloads fluctuating from season to season. Fish was especially prone to backing up in the inspector’s queue, as one observer lamented: “They have often to stay here a week before the inspector can examine them, owing to the great quantity brought here towards the last of May [and beginning of June] & all this time the fish have to lay in the sun on the wharves.”⁴⁵ The potential for errors in judgment and disputes with clients was present every time the inspector lifted the top of a cask or placed a cartload on a public scale. His responsibilities also included maintaining the finances of the office, providing detailed reports monthly and annually, charging appropriate fees, and paying for his specialized instruments, weights and measures, and hired help—costs that could top \$2000 a year.⁴⁶

With the reputation of the inspector bound up in the products he judged, and thus in the city brand, inspection laws demanded his faithful performance of duty. They required the inspector to pledge to perform his office “without fear, favor, affection, malice, partiality or respect to persons ... to the best of his skill and knowledge.”⁴⁷

⁴⁴ No. 8 (1803), *Ordinances of Baltimore*.

⁴⁵ City Council Records, 1811:464, BCA.

⁴⁶ City Council Records, 1811:345, 1812:544, 1821:472, 473, BCA.

⁴⁷ No. 13 (1797), *Ordinances of Baltimore*.

Reflecting early republican fears of religious and ethnic outsiders as predisposed to deceptive practices, Baltimore's first inspection laws (before 1800) mandated only those who professed a belief in Christianity could be appointed—a requirement for the city's market clerks, as well.⁴⁸ Inspectors were prohibited from having any current involvement in the branches of trade related to his product. Flour inspectors could only purchase flour for the use of their own families, beef and pork inspectors could not be connected to the vending or coopering of any cask, and so forth. To limit the potential for corruption, whenever there was more than one inspector appointed to a particular article, the men exchanged districts every week or two. His oath of office was underwritten with a bond amounting to several thousand dollars, on top of which he paid an annual license fee. The latter helped finance the inspection system and, as the previous chapter demonstrated, served as a malleable instrument for policing behavior and reputation.⁴⁹

A physical extension of the inspector's reputation, the iron brand played a central role in the theatre of public inspection. Product laws required inspectors to own and maintain a set of iron brands with which to mark barrels as "Baltimore [product]" or "Baltimore packed [product]" as well as the determined quality of the contents and the inspector's name. Others left their mark, too, as millers, packers, and others responsible for the product all possessed brands with their last name and first initial. Scales, patent balances, and platforms required the stamp of the city's inspector of weights and measures ("B.S.," or Baltimore Standard) to be valid and were condemned with a mark, "C."⁵⁰ In most instances, brands also included the day, month, or year in which it was

⁴⁸ No. 16, 17 (1797), *Ordinances of Baltimore*.

⁴⁹ City Council Records, 1821:566, BCA; Camilla Townsend, *Tales of Two Cities: Race and Economic Culture in Early Republican North and South America* (Austin: University of Texas Press, 2000), 167.

⁵⁰ No. 15 (1836), *Ordinances of Baltimore*.

packed or inspected. To render this potentially dissonant assortment of markings easily readable, laws directed the size and placement of these brands, at least three-quarters of an inch in height on the head of the barrel. While some complained that initials like “S.P.” (State of Pennsylvania) were “too obscure a designation,” few states or municipalities appeared to experiment with alternative nomenclature.⁵¹ Finally, articles deemed unsound or unmerchtable were emblazoned with the sign of a broad arrow, an English symbol for all things (or persons) condemned or forfeited. (Indeed, branding irons served as instruments for torturing and punishing slaves, sailors, and others held in servitude not only because they inflicted great pain but also because they marked a person as transgressive and confirmed his or her status as a commodity.)⁵²

Preserving the Baltimore brand necessitated that only authorized individuals could brandish a branding iron. In addition to fines for altering the inspector’s marks after he had made them, product laws established severe penalties for using or counterfeiting another person’s branding iron. For instance, an 1831 Maryland law for the inspection of leather required payment of \$100 or confinement in jail. These were not idle reproaches. In 1824, the city indicted Thomas Wilson “for a cheat in falsifying the brands of the flour inspectors in the City of Baltimore.” When the case was removed to the Harford County Court, Mayor Edward Johnson dispatched the city solicitor to Bel Air to make the case against Wilson, as “the interests of the community required that the case should be attended.”⁵³ John Hardy took advantage when the inspector of beef and pork left his branding irons at Hardy’s slaughterhouse, having private brands struck to appear exactly

⁵¹ *National Gazette*, June 23, 1831.

⁵² For an exploration of the meanings of slave branding, see Jennifer Putzi, *Identifying Marks: Race, Gender, and the Marked Body in Nineteenth-Century America* (Athens: University of Georgia Press, 2006), 99-153.

⁵³ Ch. 103 (1831), *Session Laws of Maryland*; City Council Records, 1825:132, BCA.

like the inspector's except with Hardy's name. The inspector learned of it a few days later as he strolled through Bowly's wharf and spied barrels with the imitated marks. While Hardy contended that "the imitation, if any, was not complete" since his own name was used, the city and courts disagreed and fined Hardy twenty dollars.⁵⁴

In some instances, former official inspectors manipulated the municipal brand for personal gain. In 1829, a former inspector of long and dry measures offered his services in the city's public markets, branding half and quarter peck measures with the year and his initials, "R.S." Customers, including many of the "poorer class," petitioners complained, were fooled into believing it was the city's mark, "as the difference between the 'B' and the 'R' is scarcely perceptible when made with a burning brand. Thus in an indirect though wilful manner, is one of our most important Laws violated," and the municipal brand adulterated by someone familiar enough with the process to pass as an official inspector. While his actions violated city ordinances, "R.S." was only one of many former inspectors who sought to ply their trade as authorities on various products, blurring the line between municipal and personal reputation. In an advertisement for his new "Flour & Grocery Store" on Howard Street, former city inspector George Baxley boasted of "his long experience in the article of Flour, and his knowledge of the best Mills."⁵⁵

In other instances of falsification and impersonation, inspectors took the initiative of repairing their injured reputation. William Waite, the city's beef and pork inspector, grew frustrated with a "meddlesome" cooper who "had taken my scales, rigg'd them up, had all hands weighing and packing, as tho he actually was the Inspector." When he

⁵⁴ *Sun*, Dec. 1, 1841.

⁵⁵ City Council Records, 1829:543, BCA; *Patriot*, March 19, 1830.

reinspected the products, he found that the “best part of the said lot were condemned, tho [the cooper] had passed them nearly all second quality.” By bringing this to the attention of the city council, Waite hoped, the cooper’s second “career is about to be stopt.” Waite viewed others using his branding iron as a personal affront—an attempt to assume his professional identity. He took great satisfaction that “not one of the barrels of provision I inspected, over hauled, and repacked have ever yet been returned on the merchants hands or mine. But on the contrary, the provisions were so nice and elegant, well managed and put in such good order.” When others used his branding iron, they threatened the very foundations of his professional reputation with clients.⁵⁶ Casks thus resembled palimpsests, retaining not only the marks of its various producers but also the dynamics of power between them.

III. Contesting the standard

The effectiveness of the municipal inspection system depended on its ability to command the behavior of participants in the commodity chain, starting with the product itself. Every element of uncertainty that entered into the process of inspection—and there were many—threatened to undermine this command and, ultimately, weaken the brand. Whether products of earth or man, commodities resisted the system’s attempts to classify and govern. Brick, flour, fish, coal, corn, bread, beef, hay, ice, whiskey, butter—inspected commodities were by nature irregular, perishable, and transmutable. Even the most adroit inspectors could not account for all the contingencies involved in growing, manufacturing, storing, and shipping goods for local or international markets. Exacerbating this was the reality that the system of inspection did not operate in a spatial

⁵⁶ City Council Records, 1822:317, 288, BCA.

vacuum but rather was woven into urban landscapes susceptible to congestion, delay, and decay. Delays in the inspection process were not only an inconvenience to farmers, merchants, and captains, but could endanger the value of the commodities if, for instance, left in the sun too long. Efforts to lend order to global market transactions ran up against the limits imposed by the products themselves, the urban spaces through which people and goods circulated, and the instability of the standard itself.

Take flour, one of the most exhaustively regulated products. As seen in the preceding section, lawmakers devoted considerable effort to ensuring that flour brought to the city for sale or exportation was “merchantable and of due fineness, without any false packing or mixture of coarser, or sour, oily, stale or other flour or meal.” Laws empowered flour inspectors to determine the degree of fineness and, if found merchantable (“fine” or “superfine”), it was branded “Baltimore” and set for export. If deemed unmerchantable (“middlings”), its market was limited and would not bear the Baltimore brand, sharply undercutting its value (though not as much as being condemned and marked with a broad arrow, rendering it unsaleable in a formal sense).⁵⁷ But ascertaining the quality of a sample of flour at one moment in the product’s lifespan did little to guarantee it would arrive in the same state of freshness months later, however well packaged. Many factors affected the perishability of flour, from the wetness of the hay upon which wheat was stored after harvesting to how densely it was packed in barrels. Mold spores could take up residence in barrels, undetectable even to the most fastidious observer, only to turn the flour rancid after months stored at high temperature and humidity. The speed at which millstones ground wheat could adversely affect the flour in the long run by introducing heat and releasing oils from the germ that would

⁵⁷ No. 32 (1807), *Ordinances of Baltimore*.

eventually turn rancid.⁵⁸

Flour was hardly the only product subject to changes in quality over time. For instance, imperceptible barrel imperfections could render beef, pork, and fish inedible over the course of several months, as the pickle leaked from seams in the cask.

“Notwithstanding the care and vigilance” of inspectors of salted fish, Baltimore’s city council wrote to the state legislature in 1822, “heavy complaints have at different times been received from foreign places of the unsound and unmerchantable condition of them.” Because salted fish was “particularly subject to injury” and required “great care and frequent examination,” the council averred, it was essential the city hold the authority to re-inspect barrels of salted fish exported from Baltimore.⁵⁹ Whiskey and rum, meanwhile, were prone to losing or gaining degrees of proof. Too many degrees lost left distillers subject to penalties, while any gain in proof above the legal standard did not necessarily enable distillers to charge more for their product, as a group of York, Pennsylvania, whiskey distillers lamented to Baltimore lawmakers in 1821.⁶⁰

Thus, the moment the inspector extracted a flour or whiskey sample or lifted the head of a cask of salted fish represented a snapshot of the much longer lifespan of a commodity’s value. This was as true for quantity as it was for quality. As wheat, flour, corn, and other agricultural products cured in barrels—which they would continue to do long after they were inspected—the lost moisture content left barrels several pounds lighter than when they were initially weighed. When merchants were fined ten cents per barrel for underweight flour in 1815, they protested that “the long and almost total cessation of business” had forced them to store their packed and weighed barrels for as

⁵⁸ *Public Ledger*, Aug. 1, 1843 and June 24, 1851; *Patriot*, June 22, 1831, Feb. 3, 1821.

⁵⁹ *Patriot*, Feb. 7, 1822.

⁶⁰ City Council Records, 1821:482, BCA.

long as two years. While this delay had allowed the flour to “become perfectly seasoned,” it also reduced its density and weight.⁶¹ Moreover, even well coopered barrels were not airtight. One baker noted that “a barrel of flour after being knocked about in railroad cars, wagons, drays, &c., and loosing what the inspector takes out with his augur, does not contain by the time it reaches the door of a private family or bake house, more than 195 pounds,” some ten or twenty pounds less than it originally contained.⁶²

Attempts to affix standards upon commodities that were stubbornly irregular were not simply quixotic episodes in statecraft, but rather had direct impacts on the men and women who collectively made up the chain of production. If the inspection system sought to regulate the entire course of a commodity’s path from producer to consumer, it did not disperse the burdens equally—instead, the changes reflected dynamics of power and class. Every substantive alteration or addition to a product law set off a series of reactions down the chain of production, from pricing and marketing to transportation and finally to growing or manufacturing. This included hikes in inspection fees. Even if buyers or retailers at the end of the chain were responsible for paying the inspector, traders factored these costs in negotiating lower prices from farmers and artisans at the other end.⁶³ For farmers, laborers, and craftsmen responsible for growing wheat, milling flour, curing straw, butchering cows, pickling fish, glazing brick, baking bread, or coopering casks, quality and quantity standards posed significant obstacles to longstanding work routines, not to mention earning a living income.

Class tensions suffused the inspection process, leading to conflict among laborers,

⁶¹ City Council Records, 1815:282, BCA.

⁶² *Sun*, July 20, 1847.

⁶³ For debates over inspection fees that addressed the impact on poorer customers, see City Council Records, 1811:300, 1821:389, 1824:351, BCA. For further discussion, see Lawrence Busch, “The Moral Economy of Grades and Standards,” *Journal of Rural Studies* 16 (2000): 277-81.

manufacturers, merchants, and inspectors. Peter Zacharia hinted at this when he informed the council that “if the wood corders are not protected from abuse” by the watermen bringing firewood to the wharves, “no man of delicacy can hold long the office.”⁶⁴ Other producers employed the petition to complain of undue product restrictions. When the city passed a brick inspection law in 1798, Baltimore’s brickmakers protested that the requirement of larger bricks would require “a degree of labour which we deem unreasonable and few men who now understand moulding will be competent to the task.” Children no longer could perform menial tasks with their small hands, while kilns would have to be rebuilt and require more fuel. Relaxing the restrictions, the petitioners hoped, “would encourage poor men and boys” to work there and “bricks would then be made better” than by the black laborers who outnumbered whites four to one in city brickyards.⁶⁵ Added to these economic burdens of inspection were rebukes. Often the blame for failing to adhere to strict measurement or quality standards devolved to hired help, as when merchant Jesse Tyson blamed his millers’ assistants for errant weights. Assuming the blame for fraud could lead to incarceration for those unable to pay fines, as it did for William O’Bryan, who violated the ash ordinance in 1826.⁶⁶

The burdens of inspection on laboring classes were magnified by systemic delays, something all members of the commercial community suffered, if not equally. Farmers, fishermen, and craftsmen often needed to factor in the additional time and cost of traveling to inspection warehouses or public scales with their products. In a rapidly

⁶⁴ City Council Records, 1797:122, 98, BCA; No. 17, 42 (1797), 71 (1798), *Ordinances of Baltimore*. Around the same time Zacharia filed this report, Henry Dorsey and 46 others complained that the new cording requirements would exact a considerable burden on them, as it would be impossible to chop firewood to the exact length of four feet.

⁶⁵ City Council Records, 1798:150, BCA; No. 64 (1797), 70 (1798), *Ordinances of Baltimore*.

⁶⁶ City Council Records, 1815:283, 282, 284, 346, 1814:384, 1826:506, BCA.

growing city with poor roads, getting one's flour, fish, or scale beams inspected and stamped could turn into a daylong affair. When the state passed a law requiring the assaying of silver, silverware manufacturers complained of the "loss of time (money to working people) ... in running to and from the assayers." There were also unintended consequences of delays. An 1804 ordinance requiring meal to be weighed proved "a great injury to the poore," because few farmers had their own scales and weights. Since hucksters did, however, the law "thr[ew] all the Business into a few Individuals hands."⁶⁷ In 1817, Andrew Snyder and eleven other tinware dealers pleaded the city to combine the offices of weights and measures to save them from being "compelled to call on two persons remote from each other" even "if only a single Beam and Measure are wanted to be stamped." The city assented in this instance, but at other moments it prioritized convenience to the corporation by requiring traders and producers to attend at one central inspection location.⁶⁸

When Mayor George Stiles proposed in 1818 to move all fish inspections to a warehouse on the City Block, halfway between Fells Point and the basin, fishermen and merchants demurred. Believing they possessed "a right to have their fish landed and inspected at such places as they may find most convenient," they felt that "expel them from those parts of the city" and funnel all fish through one inspection warehouse would diminish the value of their property (as their own warehouses would sit empty). More importantly, ships carried not just fish but other merchandise to the city. Requiring them to land and unload at multiple locations "would have a tendency to drive them from our city." With public warehouses, moreover, commission dealers could not provide

⁶⁷ City Council Records, 1814:282, 1804:199, 1805:336, 1808:179, BCA; Ch. 131 (1813), 106 (1814), *Session Laws of Maryland*; No. 16 (1803), *Ordinances of Baltimore*.

⁶⁸ City Council Records, 1817:354, BCA; No. 7 (1817), *Ordinances of Baltimore*.

incentives like free storage. Following the mayor's advice, the state legislature established a fish inspection warehouse on the City Block. The issue remained a sore subject for fishermen and traders into the 1820s and 1830s, when petitioners complained that the "heavy expences attending the inspection of their shad in our city" drove North Carolina fishermen to Philadelphia and New York.⁶⁹

One of the chief reasons municipal leaders like Stiles advocated central warehouses was to eliminate nuisances posed by a system where inspectors traveled from site to site. As a potential hazard to public health, the inspection of fish was singled out, particularly after yellow fever visited the city in 1819. A few years later, Stile's successor, Edward Johnson, boasted that "our wharves have never been so free from offensive and deleterious smells as during the past summer" as a result of the fish house, which was "cool and pleasant with a free circulation of air." An 1824 city report noted that the central fish house enabled city police to immediately quarantine and remove suspect fish during epidemics. Such policing was impossible if the barrels had been "dispersed in so many places" throughout the city. Even with a central fish house, however, barrels of fish awaited transfer from the docks in the hot sun, leaking pickle and drawing flies, a bouquet of rotting flesh wafting across the city.⁷⁰

Other commodities awaiting inspection posed less a threat to health than to public convenience and urban mobility. Certain restrictions forced farmers and merchants to scramble to secure space for their products. When the city council considered a law requiring flour to be inspected outdoors—better lit than dark warehouses—merchants and wholesale dealers remonstrated. Out of 200 to 300 barrels of flour they received every

⁶⁹ City Council Records, 1818:412, 1824:377, 1832:1065, BCA. Ch. 114 (1817), *Session Laws of Maryland*.

⁷⁰ City Council Records, 1824:549, 378, 1832:463; Mayor's Correspondence, 1832:1065, BCA.

day from country millers, “frequently from 50 to 100 barrels remains uninspected,” for which they could not “find room on the pavement fronting their own property.”

Neighboring dry goods businesses would “not grant permission to have their flour unladen & inspected on their pavements,” even “in rainy weather.” The commercial and political influence of the flour merchants did not prevail in increasing capacity. When merchant Charles Gwinn asked permission to extend the docks behind his warehouse fronting the basin “for want of sufficient room to inspect our flour” in the open, the council denied his request.⁷¹ Others, however, took advantage of these spatial limitations. As nuisance ordinances permitted barrels awaiting inspection to obstruct footways temporarily, some grocers and mechanics exposed goods for sale beyond the twelve or twenty-four inch limit, under false pretenses. The city, for its part, benefited considerably from wharfage paid by dealers bringing wood and other products to public docks prior to inspection.⁷²

A more common source of aggravation, however, was the unpunctual inspector. Establishing an effective inspection system was not only a matter of prudent political economy but also required a well-devised circuitry for the movement of goods as well as inspectors. Whether caused by inspectors being spread too thin or being too deliberate in their actions, delays produced a ripple effect spreading across the city, into the countryside, and eventually across oceans and mountains. Farmers routinely were held up a day or more while they waited for inspectors to judge the value of their articles. In 1824, butter and lard dealers lamented that their “friends from the West” often could not

⁷¹ City Council Records, 1815:285, 1818:413, BCA.

⁷² City Council Records, 1803:346, 1849:952, BCA; No. 27 (1801), *Ordinances of Baltimore*. The 1849 report noted that wharfage long had been paid, unquestioningly, by those bringing lumber and firewood to the city, yielding a “considerable revenue to the city.”

“obtain the Inspector in the hurry of business,” waiting as long as “twenty four hours after putting our names upon his slate.” The entirety of Baltimore was “too large a district for one person,” they averred. In 1821, Baltimore’s city council acknowledged the “great and serious inconvenience from the delay consequent upon the attendance of the flour Inspector” in the eastern part of the city. It resolved to fine inspectors three dollars for every hour they made customers wait beyond two hours, but it is unclear whether such penalties were enforced with any regularity.⁷³

To address the problem, many called for the appointment of additional inspectors and smaller districts. Citing the “increased quantity of domestick Liquors brought to market and the vast extent of the district composed of Old Town and the Wharfs,” liquor dealers requested another gauger in 1825. The city complied, appointing a third inspector.⁷⁴ Baltimore’s largest butter and lard dealers had less success in 1839 and 1840. Led by the firm of Robert Garrett & Sons, they sought two additional inspectors on account of “the great increase of business in Butter & Lard in Howard St.” and western neighborhoods. In spite of their assurances that “public convenience & the despatch of business” would be facilitated, the city denied the request. Several factors worked against Garrett and others’ appeal. The first was a report of the joint committee on police that cast doubts on the need for another inspector. Establishing that the current inspector averaged 400 kegs daily, or one to two percent of the annual kegs inspected, the report noted that, if pressed, he could examine 1100 kegs in a day. While the need for more inspectors would likely come in the future, it averred, “that period has not yet arrived.” Second, and more significant, most butter and lard dealers—generally operating more

⁷³ City Council Records, 1824:350, 1821:409, 1815:285, 1818:412, BCA; *Patriot*, April 6, 1821.

⁷⁴ City Council Records, 1825:153, BCA; No. 5 (1825), *Ordinances of Baltimore*.

modest outfits—disagreed with Garrett and others, viewing one inspector as sufficient.⁷⁵

For the dissenting butter and lard dealers, and other producers and traders, more than one inspector translated to more than one standard. With a second or third inspector, they predicted in 1840, “the standard of Inspection would become uncertain” and drive producers to cities with more trusted standards.⁷⁶ Flour merchants, millers, and farmers long had confronted similar circumstances. In 1812, sixty-seven millers and dealers declared that a third inspector “would be injurious to the Interest of the city by producing an irregularity in the quality of Flour and dissatisfaction.” When a third inspector was appointed over these objections, merchant-millers demanded redress. Citing complaints from western millers that “for some time past the standard quality of flour inspected in this city has been very unsettled,” merchant-millers fretted: “Flour which passed at one season is condemned at another, so that the manufacturers are at a loss to regulate their prices for wheat & frequently incur serious losses.”⁷⁷

Compounding the uncertainty of standards was the establishment of a more discriminating grading system. Commercial and political leaders hoped that the introduction of more grades would elevate confidence in the city’s products by assuring buyers and sellers the closest possible correlation between quality and price. Some thought otherwise, criticizing authorities for creating abstract designations within commonly accepted categories of “superfine,” “fine,” and “middlings.” In addition to arguing that inspectors should not be granted such broad discretion, many producers felt the practice enabled city merchants and lawmakers to raise and lower the municipal

⁷⁵ City Council Records, 1839:617, 936, 1840:269, 270, 271, 272, BCA; No. 5 (1839), No. 23 (1842), *Ordinances of Baltimore*.

⁷⁶ City Council Records, 1840:269, BCA.

⁷⁷ City Council Records, 1812:444, 544, 1821:408, BCA; No. 15 (1812), *Ordinances of Baltimore*.

standard at will, to the ruin of farmers and millers. In 1834, Frederick wheat farmers and millers complained that the city's efforts to promote "the *best* brand of any other inspection" had "produced an excess of refinement in the flour inspection of Baltimore." Flour previously branded "superfine" was now "fine," and so forth. This produced "uncertainty and fluctuation in the grade of the city inspection," leaving country millers unable "to regulate their brands according to the market standard."⁷⁸

The plasticity of the terminology itself provided city merchants still more opportunities to benefit. Observers noted the existence of two flour standards in Baltimore, "Howard-street" (or "wagon") and "Wharf" ("city mill")—the former milled and brought from western counties, the latter milled near the city. While not formally legislated, the operation of two parallel flour standards appeared deeply entrenched in practice. One writer complained that Wharf flour was held to lower standards, allowing city millers to grind wheat more than twice as quickly (producing "weaker" flour) and still yield similar prices as country millers.⁷⁹ Another commentator drew attention to the fictitious lexicon of inspection. "'Extra superfine' may be allowable in a newspaper advertisement," he averred, "but surely it smacks a little too much of the superlation of language when used in legislative laws." With such literary flourishes, "we may next expect superlatively fine flour." In his opinion, the only distinction that mattered—the only brand required on a barrel of flour—was its origin, whether "Howard-street," "Wharf," or otherwise.⁸⁰ As will be seen, his preference that barrels be branded only with their place of original production, not the city of inspection, was prescient.

⁷⁸ *Patriot*, Jan. 18, 1834; *National Gazette*, May 23, 1821.

⁷⁹ *Patriot*, June 22, 1831, Feb. 6, 1821, March 27, 1829; *Baltimore Gazette and Daily Advertiser*, April 9, 1834; *Easton Gazette* (Maryland), Dec. 1, 1821.

⁸⁰ *Patriot*, Feb. 8, 1826. As it turned out, Maryland eventually did formally establish an "extra superfine" grade. Ch. 212 (1852), *Session Laws of Maryland*.

Even the checks in place to assure the resolution of disputes over standards were subject to controversy. In 1821, a group of millers called for “an independent & disinterested tribunal” in place of the current appeal system, which was comprised of the three inspectors. “Serious uncertainty and perplexing contradictions frequently occur” with little resolution, because the inspectors “feel great reluctance” to reverse each other’s decisions. Lawmakers relented, replacing the current board with six appointees, two each drawn from the city’s shipping merchants, millers, and bakers, and a seventh drawn from the flour inspectors.⁸¹ The overwhelmingly urban orientation of the board’s composition led some western farmers and millers to allege the “united interests” of the three groups were “exerted to confirm the opinion of the Inspector.” To heap insult upon injury, having lost the appeal, the country producer was required to pay its expenses. It is difficult to detect from records whether these allegations had grounding, though it is worth noting that tribunals were known to reverse decisions.⁸²

As these examples suggest, discord over inspectors and standards transcended the commotion of the streets and wharves, spilling into wider debates over governance of the market. Rural counties frequently complained that the inspection system turned them into vassals of the municipal brand, citing differential treatment and pricing. Many rural consumers and producers saw the benefits of municipal branding, however, including some from the Eastern Shore who pleaded for a city inspector of sweet potatoes to prevent fraud.⁸³ Both viewpoints recognized that, as major trading centers, Baltimore and Philadelphia long had set quality and quantity standards for the rest of their states or

⁸¹ City Council Records, 1821:407, 408, BCA; No. 45 (1821), *Ordinances of Baltimore*.

⁸² *Torch Light* (Hagerstown), Jan. 24, 1826; *Gazette and Daily Advertiser*, Jan. 27, 1826; Mayor’s Correspondence, 1824:826, 827, BCA.

⁸³ City Council Records, 1826:372, 667, BCA. The city complied with the request, but repealed the sweet potato ordinance eight years later. No. 37 (1826), 3 (1834), *Ordinances of Baltimore*.

regions. By 1821, Delaware buyers and sellers employed Philadelphia weights and measures, John Quincy Adams reported, while the “Baltimore standard ... now governs all the dealings and business of [Maryland].”⁸⁴ While speaking to weights and measures, these observations also applied to quality standards.

In the 1820s and 1830s, debates came to a head over the power of appointing inspectors. As the city effectively established the statewide standard for most commodities, and its reputation was bound up in the goods it inspected, municipal leaders believed the power to appoint sat with them. Impelled by agricultural interests and rural constituents, state legislatures took over the appointment of inspectors of flour, fish, lumber, lime, hay, plaster of Paris, and other articles, vesting it in the governor rather than the mayor. Only beef, pork, potash, flaxseed, and other commodities prepared or brought from out of state remained under municipal control.⁸⁵ As in many other instances, flour provided for the most dramatic contests over the boundaries of municipal power. Around 1820, complaining that their reputation suffered as a result of being subsumed under the lesser reputation of the Baltimore brand, western farmers and millers began encouraging the state assembly to establish inspection offices in Frederick and Hagerstown. So that these inspectors would operate on equal standing with those in Baltimore, the petitioners exhorted the governor to appoint all flour inspectors and make re-inspection noncompulsory.⁸⁶

City leaders took the threat seriously. In 1819, the mayor decried the petitions of

⁸⁴ *Report Upon Weights and Measures*, 203-06.

⁸⁵ For state laws removing the power of appointment to the governor, see Ch. 70 (1811), 131 (1813), 199 (1816), 125 (1818), 203 (1823), 174 (1825), 181 (1827), 282 (1832), *Session Laws of Maryland*. One critic derided the “incoherence” of these distinctions. Thomas W. Griffith, *Annals of Baltimore* (Baltimore, 1833), 255.

⁸⁶ *American*, Dec. 15 and 16, 1820; *Republican Gazette & General Advertiser* (Fredericktown), Aug. 24, 1822; City Council Records, 1821:407, BCA.

Frederick producers as “bold strides toward curtailing and interfering with the Powers of the Corporation.” Western petitions set in motion a flurry of correspondence between municipal authorities and the city’s representatives in the state legislature. Writing from Annapolis in 1822, John Pendleton Kennedy warned the mayor “that the session will be marked by more than one act of unequivocal hostility ... knowing how much we are at the mercy of the Counties.”⁸⁷ A few years passed, during which time state lawmakers placed the power to appoint inspectors of salted fish in the hands of the governor, to the great dismay of municipal leaders.⁸⁸

A renewed push by western farmers and millers in 1825 and 1826 brought the subject back to the top of the legislative agenda. Seeking to disprove the argument that the city “derives a revenue from the Inspection of flour,” Benjamin C. Howard implored fellow representatives not to remove the power of inspection—and thus control of the standard and brand—from the city. “Great confusion would ensue” from the proposed change, as would the unnecessary disunion of the interests of “the farmer, the miller, and the shipper.”⁸⁹ His and Kennedy’s efforts failed, and two weeks after Howard’s speech, the state authorized the governor to appoint four inspectors annually, three in Baltimore and one in Frederick.⁹⁰ This conformed to the general pattern of commercial regulations in the state from the 1820s to 1840s, during which time no state legislature was more active in regulating city inspection, rather than simply granting the city power to act, than

⁸⁷ City Council Records, 1819:437; Mayor’s Correspondence, 1822:492, 1821:1066, BCA. For Kennedy’s speech to the assembly on municipal inspection laws, see *Patriot*, Feb. 6, 1821.

⁸⁸ Ch. 203 (1823), 181 (1824), *Session Laws of Maryland*; No. 30 (1824), Remonstrance of City Council (Jan. 26, 1825), *Ordinances of Baltimore*; City Council Records, 1824:378, BCA.

⁸⁹ *Torch Light* (Hagerstown), Jan. 24, 1826; *Patriot*, Feb. 16 and 8, 1826.

⁹⁰ Ch. 174 (1825), *Session Laws of Maryland*. A week before the state law passed, the city revised its own flour ordinance, perhaps a gambit to better situate municipal interests in advance of future litigation arising from the state law. No. 22 (1826), *Ordinances of Baltimore*.

Maryland.⁹¹

Even without the authority to appoint inspectors, the city maintained considerable influence over standards and branding. Indeed, in 1834, western farmers and millers still alleged “the unjust and arbitrary terms” of city merchants. Two years earlier, the state established a general inspector of flour, who devised the statewide standard from his office in Baltimore.⁹² If the removal of appointment power from the city did not weaken urban merchants’ grip on the inspection system, it did reflect an important shift occurring in how all market actors conceived of the municipal brand. In a widely reprinted 1821 speech, New Yorker Benjamin U. Coles provided a trenchant critique of the role of municipal government in the production of flour. After describing the difficulties in defining the inherent qualities of flour, Coles bemoaned the declining condition of American wheat. “The radical source of the evil we now lament,” he maintained, “may be traced to the principles upon which the office of inspector of flour is constituted.” Namely, inspectors benefited from the degraded standard of flour, for their fees were dependent on the quantity, not quality, of flour they inspected. Likewise, it was in the interest of manufacturers to produce flour below standard, because they could make as much from the worst flour, if it passed inspection, as from the best.⁹³

The crux of the problem, Coles argued, was in the intrusiveness of the municipal brand. “This is a ‘good inspection,’ and that is a ‘bad inspection,’ are terms very usually employed to denote the value of the article offered for sale,” he noted, “the reputation of the manufacturer, or producer, being thus wholly kept out of view, and merged in the

⁹¹ Leonard P. Curry, *The Corporate City: The American City as a Political Entity, 1800-1850* (Westport, CT: Greenwood Press, 1997), 212.

⁹² *Patriot*, Jan. 18, 1834; Ch. 209 (1831), *Session Laws of Maryland*.

⁹³ *A Memoir on the Subject of the Wheat and Flour of the State of New-York* (New York, 1820), 16. Reprinted in Baltimore, with editorial comments, in *American Farmer*, Feb. 2, 1821; *Patriot*, Feb. 3, 1821.

Inspector's brand." As a result, "when an inspector designates the quality of an article, that responsibility or accountability, which is the great security for correct conduct and judicious management, is completely taken away from all parties." Every participant in the production of flour was obscured, "level[ing] all distinctions of persons, and prevent[ing] the acquisition of individual reputation." The product itself ceased to be the object being bought and sold, but rather the brand and the fictional standard it promoted.⁹⁴

An editor for the Baltimore-published *American Farmer* opined that Cole's points, while interesting, were misguided: "Although we may not be able to 'define the quality of flour with mathematical accuracy,' still we can reach a degree of probability so near to moral certainty, as to assure us of the intrinsic, relative value of commodities." Indeed, public faith in the ability to eliminate uncertainties and impose standards in the production of commodities never wavered. As for the matter of the producer's reputation, the *American Farmer* suggested that "the fanciful names of our mills ... now often branded upon our flour" be replaced with "the real names of the manufacturer." In offering this recommendation, the newspaper unwittingly anticipated the battle for the brand that would reshape the inspection system over the next three decades.⁹⁵ By the 1840s, the municipal brand no longer represented a unifying force that bound the reputation of producers and the state for the economic benefit of the whole community.

IV. Antebellum free trade zones and the demise of the municipal brand

Even at the height of its influence from the 1790s to 1820s, municipal inspection

⁹⁴ *Memoir on Wheat and Flour*, 17, 19.

⁹⁵ *American Farmer*, Feb. 2, 1821.

engendered calls for reform or elimination. Many of these pleas focused on the beleaguered inspector, frequently portrayed as partial, incompetent, or overpaid. In 1798, wheat dealers balked at paying a man “Stiled a Mesurer of Grain,” whose “large salary is raised from the pocketts of one class of citizens.” Silverware dealers expressed aggravation over “the secret & artificial means” by which lawmakers extracted inspection fees only to pay the “useless office” of silver assayer. Grocers lamented an 1817 change to the measuring of salt, “arbitrarily made by the measurers” for profit and convenience. Eight years later, another group of grocers alleged that the office of inspector of weights and measures had become “a sinecure for the purpose of individual support.” In the view of butter and lard dealers, the inspector was paid too much “for an Office requiring so little exertion, talent and expence.” These artificial costs, merchants noted in reference to an 1805 law requiring flaxseed to be cleaned prior to inspection, were ultimately paid by consumers.⁹⁶ With more city residents seeing such appointments as a bastion of political patronage, appeals to limit inspection fees, eliminate the fee system and pay inspectors annual salaries, or abolish fees altogether accelerated in the 1840s.⁹⁷

Political patronage was the focus of one of the most scathing indictments of the antebellum inspection system. In the late 1830s, New Yorker William Leggett, a strident advocate of free trade and direct taxation, composed several essays calling for the abolition of “tidewaiters and gaugers, appraisers and inspectors.” Among the “army of incubuses,” he focused on the inspectors of coal and weights and measures, though he called for “all their brother inspectors, too numerous to mention,” to take up “more

⁹⁶ City Council Records, 1798:164, 1814:282, 281, 1817:347, 1825:184, 1824:351, 1805:334, 1821:389, BCA; *Journal of the Senate of Pennsylvania* (Harrisburg, 1821), 54.

⁹⁷ City Council Records, 1838:578, 1839:936, 1840:272, 1844:342, 1850:359, 360, 1855:223, BCA. Some countered these claims, arguing that high remuneration was the “best security for the diligence and fidelity of a public officer.” City Council Records, 1848:760, 1847:378, BCA.

democratic species of avocation.” Excoriating a New York law establishing the office of Weighmaster General as “fastening another shackle on the limbs of trade,” Leggett opined that “the weighing of merchandise is a matter with which legislation has nothing to do.” The roots of democracy were endangered not only by “banks, insurance companies, railroads, [and] manufacturing establishments,” but also “inspectors of rawhides, sole-leather, beef, pork, tobacco, flour, rum, wood, coal, and, in short, almost every necessary and comfort of life.”⁹⁸ While many merchants found his brand of free trade too radical, his economic critiques of the system presaged many of their arguments in the following decades.

Leggett’s formulation of free trade as “the buyer and seller being left to make their own bargain” clearly contravened the inspection system, but in doing so it tapped into widely shared views among urban commercial actors.⁹⁹ Bakers were especially prominent in promoting caveat emptor in everyday transactions. As the “staff of life,” bread was the canary in the coalmine of antebellum regulation. Following an 1802 ordinance, loaves of bread were subject to as much scrutiny as casks of flour, leading bakers frequently to complain “that all attempts to Regulate Bread has been Inadequite to the purpose & a source of oppression & vexation.” The only purpose of bread regulations, a petition noted in 1820, should be to establish “a just scale ... between the Bakers and the Citizens,” not to stipulate the price or weight of loaves. Consumers and competition would weed out bakers who set their prices too high or baked inferior bread. While

⁹⁸ William Leggett, *Democratick Editorials: Essays in Jacksonian Political Economy* by William Leggett, ed. Lawrence H. White (Indianapolis: Liberty Fund, 1984), 40, 236, 229-30.

⁹⁹ Leggett, *Democratick Editorials*, 261. For recent discussions of “bottom-up” free trade, see Paul A. Gilje, *Free Trade and Sailors’ Rights in the War of 1812* (Cambridge, UK: Cambridge University Press, 2013); Candice L. Harrison, “‘Free Trade and Hucksters’ Rights!’: Envisioning Economic Democracy in the Early Republic,” *Pennsylvania Magazine of History and Biography* 137, no. 2 (April 2013): 147-177.

lawmakers viewed bread regulations as “of too much importance for hasty legislation” as late as 1842, bakers and customers by then had established new trade customs. In 1836, Mayor Samuel Smith informed his New York counterpart that Baltimore’s bread laws were “dead letter,” as “the Bakers resisted and would not permit the publick officer to enter their door.” Within a decade, the city council had come around to the bakers’ view, doubting it had “any right to say what compensation the Bakers shall have for baking a loaf of bread.” The market price of flour would perform that work for them, and consumers would ensure it.¹⁰⁰

In the 1840s and 1850s, more powerful commercial interests translated these arguments about the sanctity of the buyer-seller relationship in the context of long-distance trade. Weights and measures were one point of contention. Advocating a hard line, Leggett believed government ought to set standards and let buyers and sellers “conform to it or not, as they choose.” “Let the purchaser take care of himself” from fraudulent measures, he wrote, for “a man’s eyes are his best chapman, contains more wisdom than our corporation ordinances.”¹⁰¹ In the late 1840s, Baltimore’s lawmakers sought to place more authority in the hands of consumers in matters of weights and measures. When Jesse Marden implored the city to establish a quart measure for milk that was “used in all other cities but Baltimore,” which used a wine measure for milk, the city

¹⁰⁰ City Council Records, 1808:179, 1820:317, 1824:347, 348, 1847:664, 1852:797; Mayor’s Correspondence, 1836:175, BCA; No. 31 (1802), 56 (1808), 10 (1824), 36 (1826), 7 (1828), *Ordinances of Baltimore*; Leggett, *Democratick Editorials*, 252; *Sun*, July 20, 1847. For the antebellum context of the decline of the assize, see Sean Patrick Adams, “How Choice Fueled Panic: Philadelphians, Consumption, and the Panic of 1837,” *Enterprise & Society* 12, no. 4 (Dec. 2011): 761-789. On broader trends in bakers’ resistance to the assize, see Sidney Webb and Beatrice Webb, “The Assize of Bread,” *The Economic Journal* 14, no. 54 (June 1904): 196-218; Simon Middleton, “‘How it came that the bakers bake no bread’: A Struggle for Trade Privileges in Seventeenth-Century New Amsterdam,” *William and Mary Quarterly*, 3rd ser., vol. 58, no. 2 (April 2001): 347-372. For the standard history of caveat emptor, see Walton H. Hamilton, “The Ancient Maxim Caveat Emptor,” *Yale Law Journal* 40, no. 8 (June 1931): 1133-1187.

¹⁰¹ Leggett, *Democratick Editorials*, 252.

denied his request. “So long as both vender & purchaser understand what amount they give or receive for a Quart,” a committee reported in 1847, “it would make no difference to the Publick whether there is three or five half pints in a Quart.” Marden persisted, claiming that the distinction between the two measures was “not generally known.” The city again dismissed his appeal, noting that a larger quart measure would increase the price and “result to no advantage to either the buyer or vender.” Avoiding a similar hassle, coal dealers widely publicized its 1854 decision to sell coal by the short ton (2000 lbs.) instead of the customary long ton.¹⁰²

More vitally, dealers sought freedom of choice by making inspection noncompulsory. In 1844, butter and lard dealers—including Robert Garrett & Sons, who previously resisted lowered inspection requirements—appealed for inspection to be “optional as buyers and sellers agree.” To enforce compulsory inspection, they contended, would amount “to a prohibition” of the city’s forwarding business.¹⁰³ Two years later, merchants and manufacturers of pot and pearl ashes aimed to demonstrate how compulsory inspection effectively closed the market. They noted that an 1838 inspection ordinance had dried up the city ash trade to the extent that the law became a “dead letter” and inspectors were not appointed. In the “free system” that emerged in their absence, “the trade revived and considerable quantities began to come forward from the West which met with ready sale.” When the city again appointed an inspector in 1845, “supplies from the West ... entirely ceased so that there is not a single barrel for sale in the City.” To procure pot and pearl ashes, manufacturers relied on other eastern cities, paying a premium. Baltimore’s lawmakers relented and made it lawful to purchase or sell,

¹⁰² City Council Records, 1847:474, 900, 445, 719, 1849:703, 918, 1855:223, BCA; Resolution No. 48 (1847), *Ordinances of Baltimore; Sun*, May 26, 1854.

¹⁰³ City Council Records, 1844:342, 343, 1840:272, BCA.

for manufacturing purposes, pot or pearl ashes in the city with or without inspection.¹⁰⁴

Another group of butter and lard dealers opposed to the 1844 petition contended that making inspection noncompulsory “would virtually put an end to the Inspection”—or worse, promote bad inspection. Leaving inspection up to the choice of buyers and sellers, they claimed, would only encourage inspectors to do whatever possible to make them happy, rather than as the quality or tare of the package required.¹⁰⁵ Nevertheless, support for compulsory inspection continued to erode among buyers, sellers, and lawmakers in Maryland and Pennsylvania. A significant factor accelerating this process was New York’s 1846 constitution, which abolished “every description of inspection” by state-appointed officials. When Maryland’s legislature met to revise the constitution in 1850, New York’s “free inspections” system was on the minds of the conveners. The convention considered an amendment that “all offices for the weighing, gauging, measuring, culling or inspecting any merchandize, produce, manufacture or commodity, whatever, except tobacco, [be] abolished.” Concerns that it would destroy the reputation of Maryland flour, coupled with resistance from those who feared a voluntary system would deprive inspections of their “State character,” sunk the proposed amendment. Nevertheless, as one legislator predicted, the debates proved to be “the entering wedge of a new scheme” resembling New York’s system.¹⁰⁶

Critiques of the political economy of inspection developed in tandem with spatial transformations in the urban marketplace. As historians have shown, the transportation

¹⁰⁴ City Council Records, 1846:302, BCA; No. 75 (1846), *Ordinances of Baltimore*.

¹⁰⁵ City Council Records, 1844:343, BCA.

¹⁰⁶ *Sun*, Jan. 6, 1847; *Debates and Proceedings of the Maryland Reform Constitutional Convention* (Annapolis, 1851), 2:844-47; Hendrik Hartog, *Public Property and Private Power: The Corporation of the City of New York in American Law, 1730-1870* (Ithaca, NY: Cornell University Press, 1983), 215-219; Edward K. Spann, *Ideals & Politics: New York Intellectuals and Liberal Democracy, 1820-1880* (Albany: SUNY Press, 1972), 127-129.

revolution entailed a fundamental reconfiguration of the built environment, political priorities, and labor patterns. For eastern city boosters, inspection mandates seemed an obstacle to the competitive spirit of internal improvement. Delays and added costs generated by inspection detracted from the salutary benefits of railroads, which by the 1830s and 1840s had become central to the commercial and civic identities of Baltimore and Philadelphia.¹⁰⁷ Some of these restrictions resembled those faced by artisans and farmers decades earlier. Coal dealers complained of having to weigh at public scales, leading to “great delay, additional cartage, the expence of weighing, &c.” With new forms of transportation enabling dealers to ship their commodities differently, package requirements proved a hindrance. Using a supposed shortage in coopered barrels as pretext, merchants asked permission to ship New York-bound flaxseed in bags in 1841. They worried of “the serious injury that the commerce of the port would sustain” if flaxseed conveyed to the city “by means of the newly added facilities to the inland navigation, can find no issue on account of the restrictions unwisely placed by ourselves on its exportation.”¹⁰⁸

The pervasive logic of “natural advantage” offered one of the most powerful agents in the attack on the artifice of government inspections. Mayor Sheppard Leakin’s 1839 report was characteristic in praising how “the abundant crops produced in the fertile region which surrounds us, have been poured into our city, giving life and activity to

¹⁰⁷ David H. Schley, “Making the Capitalist City: The B&O Railroad and Urban Space in Baltimore, 1827-1877” (PhD diss., Johns Hopkins University, 2013); Andrew D. Heath, ““The Manifest Destiny of Philadelphia’: Imperialism, Republicanism, and the Remaking of a City and Its People, 1837-1877” (PhD diss., University of Pennsylvania, 2008).

¹⁰⁸ City Council Records, 1855:223, 1841:337, 396, BCA; No. 14 (1838), *Ordinances of Baltimore*. See also Tamara Plakins Thornton’s discussion of American travelers marveling at the docks and warehouses of Liverpool and London, “the sublimity of rationalized capitalism.” Thornton, “Capitalist Aesthetics: Americans Look at the London and Liverpool Docks,” in *Capitalism Takes Command: The Social Transformation of Nineteenth-Century America*, eds. Michael Zakim and Gary J. Kornblith (Chicago: University of Chicago Press, 2012), 184.

trade, and diffusing general happiness.” The source of Baltimore’s “commercial strength,” leading businessmen reported in 1852, was “cheap and quick transport.”¹⁰⁹ Drawing on the common trope of promoting the city’s “natural advantages,” beef and pork dealers noted “the very favorable position of our city for the prosecution of an extensive foreign provision trade” should “proper legislative liberality” encourage it. City leaders were responsive to such appeals, particularly in light of the city’s growing financial and emotional investment in opening up “the Great West by means of our great lines of internal improvement.”¹¹⁰

Objections coalesced around the compulsory re-inspection of export commodities. Critics of the re-inspection requirements ultimately looked to the establishment of free trade zones. Prior to the 1840s, Baltimore ordinances stipulated that all products exported from the city, whether packed there or elsewhere, were to be inspected and marked with the Baltimore brand. This included articles, previously inspected in or bound for other American cities, sent to Baltimore for transshipment.¹¹¹ Merchants complained that all this accomplished was to tax the city’s burgeoning forwarding business. The city’s joint committee on police agreed in an 1839 report on butter and lard, noting that “the reputation of Baltimore requires that articles sold or shipped from this port ... be of the quality represented by the dealers.” In cases “where articles are packed in the interior, and the aid of Baltimore shipping is afforded only for their carriage,” they concluded, “this reputation is in no way affected.” This marked a distinct contrast from a report

¹⁰⁹ City Council Records, 1839:808, BCA; *American*, Oct. 23, 1852.

¹¹⁰ City Council Records, 1849:537, 1852:793, BCA.

¹¹¹ Relevant ordinances in effect at this point include: Butter and lard: No. 21 (1826); Fish: No. 40 (1827); Beef and pork: No. 7 (1836); Hay and straw: No. 33 (1836); Lime and charcoal: No. 20 (1837); Turpentine: No. 17 (1838); Staves: No. 18 (1838); Plaster of Paris: No. 31 (1838); Firewood: No. 39 (1838); Flaxseed: No. 14 (1838); Pot and pearl ashes: No. 15 (1838), *Ordinances of Baltimore*.

fifteen years earlier, which contended that, in the absence of compulsory re-inspection, Baltimore's brand "would materially suffer in foreign ports ... if there should be any error or impropriety in any of the Inspections."¹¹²

Whereas commercial rivalries in the early republican period encouraged city officials to promote the municipal brand through more thorough inspection laws, competition after 1830 produced the opposite result. Prior to this shift, municipal leaders sought to distinguish themselves through ordinances and distinctive standards. After the shift, city corporations worked to eliminate differences in commercial regulations. Baltimore, according to one petition, "stands alone in her adherence" to "utterly useless" inspection laws. "No such obnoxious regulation imposing onerous restrictions to trammel and destroy commerce," butter and lard dealers wrote in 1840, "exists in any of our Rival cities of Boston, New York, Philadelphia, Richmond, Charleston, New Orleans, nor any other commercial mart of the world."¹¹³ Another petition noted that laws in New Orleans, Boston, and New York permitted provisions to be sold or shipped without re-inspection, allowing those cities to "engross nearly all that branch of trade, notwithstanding Baltimore is a better point for reshipment." It called for Baltimore to "be placed on the same footing of free trade as are the other Atlantic cities." As late as 1855, coal dealers lamented that Baltimore was "least favorable to easy hauling" due to inspection requirements.¹¹⁴ As New York, New Orleans, Philadelphia, and other port cities reduced physical and legal obstructions, creating free trade zones for the transshipment of goods, Baltimore fell further behind. In an increasingly integrated national marketplace, commodities took the path of least resistance.

¹¹² City Council Records, 1839:936, 1824:378, BCA.

¹¹³ City Council Records, 1849:538, 1840:272, BCA.

¹¹⁴ City Council Records, 1844:337, 1855:223, BCA.

Reflecting not only the persuasiveness of these arguments but also the growing influence of shippers and other commercial intermediaries in municipal politics, the city council began disassembling Baltimore's inspection system in the late 1840s and early 1850s. Assigned to an 1852 petition that claimed "that with a compulsory inspection as in Baltimore the western packers naturally avoid us," a committee of councilmen echoed the petition's sentiments: "It becomes us as a great commercial community" to remove the "unnecessary and improper restrictions" of compulsory re-inspection to "successfully compete with the other Atlantic cities," where trade with the west was "free and unfettered." Chairing the committee was councilman Hugh A. Cooper, who was emblematic of the interconnected mercantile interests of Baltimore's forwarding trade, as well as its political capital. One of the city's preeminent shipbuilders in the 1830s and 1840s, Cooper eventually held directorships of the Baltimore & Ohio Railroad, the Second National Bank, and various insurance companies.¹¹⁵ One by one, commodities were exempted from re-inspection in the city, beginning with butter and lard and continuing with pork, beef, and pot and pearl ashes.¹¹⁶

With the demise of compulsory inspection, responsibility for the brand passed from the municipal corporation to the individual merchant. Producers of commodities remained "wholly kept out of view," as Benjamin U. Coles had put it in 1820, but urban capitalists, not public officials, took the lead in regulating and adjusting standards. There had been hints of this shift as early as the mid-1830s, when boards of trade were established in Philadelphia (1833) and Baltimore (1836). In both cities, the board of trade proved instrumental in the takeover of the municipal brand, submitting frequent

¹¹⁵ City Council Records, 1852:308, 793, BCA; *Baltimore: Past and Present, with Biographical Sketches of Its Representative Men* (Baltimore, 1871), 237-39.

¹¹⁶ No. 34 (1844), No. 37 (1844), No. 75 (1846), No. 39 (1849), *Ordinances of Baltimore*.

memorials to city and state lawmakers on the deleterious effects of inspection on trade and agriculture.¹¹⁷ After disintegrating in the early 1840s, Baltimore's board of trade was revived in 1849 and incorporated in 1852, corresponding with the peak of anti-inspection agitation. Five months after its incorporation, the board called for comprehensive reforms of the system, beginning with restoring responsibility for the product in the manufacturer and merchant. "The interposition of the inspector takes away the responsibility of the producer, owner, or seller," the board wrote, leaving "no inducement to attempt anything beyond an unwilling compliance with the law."¹¹⁸

City lawmakers anticipated this shift in ownership of the municipal brand in 1846, when a committee deemed the publication of names of venders selling underweight butter too extreme a penalty. The loss of butter was sufficient without "bring[ing] discredit upon innocent individuals who are selling as agents for others." With more out-of-state merchants acting as agents, there were ample opportunities for individuals to be "totally unacquainted" with either a commodity or Baltimore's laws on it, as another petition put it. In addition, commercial intermediaries operating elsewhere did not want to be bound by the Baltimore brand. "The Inspection and brand upon provisions going from this place to Philadelphia, New York and Boston is a positive injury instead of an advantage," city beef and pork dealers wrote in 1852, "parties there (if inspection is desired) preferring to adapt it to the standard of their respective markets." Pressure came from abroad, as well.

¹¹⁷ *Gazette and Daily Advertiser*, Sept. 22, 1835, Feb. 22, 1836; *Sun*, Oct. 5 and 6, 1849, Jan. 10, 1850, Jan. 13, 1851, Oct. 6, 1852, March 9, 1853; *American*, Jan. 9, 1851; *National Gazette* (Philadelphia), Jan. 14, 1834, Feb. 2, 1839; *Hazard's Register of Pennsylvania*, Jan. 24, 1835; *North American*, Jan. 26, 1843, Jan. 22, 1844; *Inquirer*, Jan. 21, 1845; *Public Ledger*, April 14, 1852; Browne, *Baltimore in the Nation, 1789-1861* (Chapel Hill: University of North Carolina Press, 1980), 180-81.

¹¹⁸ *American*, Oct. 23, 1852; Ch. 158 (1852), *Session Laws of Maryland*. The committee responsible for the report included P. H. Sullivan (produce commission merchant), W. R. Travers (shipping and commission merchant), Alex Rieman (provision dealer), and William Bose (partial owner of the *Baltimore American*). *Matchett's Baltimore Directory for 1851* (Baltimore, 1851).

“In the foreign markets,” beef and pork dealers shrugged, “the price is determined by the actual value of the good, not by any inspection brand.”¹¹⁹

Indeed, municipal brands carried little of the meaning they once did. Uncertain measures of value, they did not perform their fundamental task of stabilizing value in an anonymous marketplace. Foreign consumers disregarded or, worse, were suspicious of what these branding marks signified, in addition to expressing frustration at having to shoulder the costs of municipal inspection systems thousands of miles away. Lack of confidence in the municipal brand was compounded by allegations of widespread fraud and counterfeiting. This was especially pronounced in the flour trade. Foreign consumers in the 1850s regularly complained of “a gradual deterioration in the quality” that observers like the Belfast *Mercantile Journal* attributed “to the introduction of ‘free trade’” in the sale of flour. It called for leaders “to do away with the branding of the quality of the flour altogether” and “let the miller’s name ... be branded on the barrels as a matter of course.” At home, meanwhile, customers had become conditioned to look for other designations of a barrel’s value, such as the use of white-hooped barrels, which fetched as much as fifty cents more per barrel for its flour. As observers readily noted, opportunities for fraud abounded in both alternatives to the municipal brand, including fabricated trademarks and deceptive packaging. In spite of rampant counterfeiting of brands in the 1850s, however, critics did not long for a return to the state or municipal brand, which had been already discarded as devoid of utility and meaning. Instead, critics, including the London *Journal of Commerce*, sought American courts to put an end to the

¹¹⁹ City Council Records, 1846:713, 1841:337, 1852:308, 1849:537, 538, BCA.

forgery of private brands by heavily penalizing the worst transgressors.¹²⁰ Litigation would replace regulation in the securing of standards, further consolidating the power of a merchant elite that could deploy lawyers at will.

With commercial interests near and far calling for the dissolution of the municipal brand, Baltimore's leaders conceded. No longer would the reputation of its commercial community "depend entirely upon the integrity and qualification of the Inspector," Hugh Cooper's 1852 report announced, but "the respectability of the vender will be so deeply involved for his own protection that he will be bound to maintain the reputation and standing of his House." Should customers "deem the character and standing of the vender ... not sufficient," they may elect to have the casks inspected.¹²¹ Allegations of incompetent or biased inspectors accelerated this shift in the brand. Recognizing the link between the reputation of the inspector and the character of the brand, some merchants sought to undermine the former. In 1849, Baltimore's beef and pork inspectors were forced to respond to claims that, among other things, they "would not know what meat was when they saw it." Some critics were more diplomatic, criticizing the office but not the men, but the effect was the same, weakening public confidence in the appointed officials. Mayor John H. T. Jerome likewise expressed "embarrass[ment]" at holding absolute power to make "numerous important appointments" and the "great difficulty experienced in making the proper selections."¹²²

City and state lawmakers, having relented on questions of compulsory inspection

¹²⁰ *Sun*, Aug. 11, 1854, March 9, 1853; *Public Ledger*, May 27, 1851; "Fabricated Trade Marks," *Merchants' Magazine and Commercial Review* 33, no. 4 (Oct. 1855): 522. Forged trademarks and dishonest packaging are subjects worthy of separate discussion beyond the confines of this chapter. For an exploration of issues relating to trademarks and private brands in this period, see Paul Duguid, "Developing the Brand: The Case of Alcohol, 1800-1880," *Enterprise & Society* 4, no. 3 (Sept. 2003): 405-441.

¹²¹ City Council Records, 1852:793, BCA.

¹²² City Council Records, 1849:723, BCA; *Journal of the Proceedings of the First Branch of the City Council of Baltimore* (Baltimore, 1852), 5; *American*, Oct. 23, 1852.

and re-inspection, took radical steps to restore faith in the office: they relinquished their authority of appointment. Beginning in 1852, “competent and well skilled” men unaffiliated with the trade could apply for a license to inspect beef and pork.¹²³

Merchants advocated the change in the belief that open competition would eliminate much of the “compulsion, incompetency, and uncertain tenure” that plagued an office so tied to “party venality.” Once licensed, inspectors opened up storefronts and warehouses to inspect and store beef and pork in the city, their rates of compensation dictated by competition rather than fiat. Immediately, former official inspectors as well as several butchers opened their own establishments, including Henry Krebs, who announced to the public that he was a “regularly licensed Inspector of Beef and Pork” in late 1853.

Encouraged by its initial effects, the board of trade pressed for more offices of inspection to be opened up to public competition.¹²⁴

Dealers and politicians immediately were drawn to licensing as a catchall solution for inspection. Only a year after the city passed its first ordinance authorizing the open licensing of beef and pork inspectors, the state moved to extend these provisions to all state inspection offices. An 1853 bill proposed that “any free white citizen of the state” may apply for a license to be an inspector of flour, fish, leather, gauger of casks, liquors, plaster of Paris, lime, firewood, black oak bark, lumber, and coal. Only tobacco would continue under the old system of appointment. Some objected to this exemption, calling attention to the state’s “large invested interest . . . in her extensive warehouses for tobacco inspections, and from which she derives considerable revenue.” Others grouched about the inclusion of flour in the bill. An editorial by “Consumers’ Rights” predicted that with

¹²³ No. 31 (1852), *Ordinances of Baltimore*.

¹²⁴ *American*, Oct. 23, 1852, Dec. 13, 1853; City Council Records, 1852:308, 309, 310, 793, BCA.

licensed flour inspection “there will be as great a difference in the grade of inspections as there is in the elasticity of *India rubber consciences*,” with each dealer or commission merchant having his own inspector. Under a system of “private inspections,” fraud, inconsistency, and self-interest would impair the “standing of the Baltimore brands of flour” in foreign markets (Fig. 3.3).¹²⁵

Lawmakers left both flour and tobacco out of the final law, which passed with little notice in 1854—a sign that most had come to accept, if not prefer, a system of private inspections. In 1860, state laws provided for the inspection of bark, coal, fish, flour, gauging of casks, grain, guano, hay, leather, lime, livestock, lumber, manure, tobacco, and wood. Yet these regulations carried little of the force of previous inspection laws.¹²⁶ Meanwhile, flour had been the commodity that first drove the city and state to further articulate and extend the inspection system. In the 1850s and 1860s, it would epitomize the diminished power of the municipal brand to regulate the entire commodity chain and merge its various participants into a symbol of the city’s political and commercial influence. With the shift of the grain trade to Chicago, the increasing integration of a national and global market, and improved technologies of storage and transportation, authority over the standardization of flour would fall to merchants and commercial exchanges. Cities remained important commercial intermediaries, but instead of actively governing the relationship between buyer and seller, it served a more passive function, facilitating the most efficient movement of goods between them.¹²⁷

¹²⁵ *Sun*, March 25 and April 19, 1853.

¹²⁶ Ch. 200 (1854), *Session Laws of Maryland*; Art. 4, Sec. 273-566, *The Maryland Code: Public General Laws and Public Local Laws*, eds. Otho Scott and Hiram M’Cullough (Baltimore, 1860).

¹²⁷ Cronon, *Nature’s Metropolis*; Hill, *Grain Grades and Standards*.

Conclusion: A prehistory of corporate branding

For as swiftly the municipal inspection system expanded between the 1790s and 1820s, its collapse was just as abrupt in the 1840s and 1850s. Despite the confusion and resentment it bred, particularly among the producing classes, product inspection thrived well into the 1830s as a result of widespread support from the city's commercial leaders, whose political influence was bolstered by the fact that many of them served in official municipal and state capacities, as well. As new developments remapped the antebellum city and its orientation to the market economy, however, elite confidence in the inspection system wavered. Political-economic arguments, particularly those of free trade advocates in the 1840s, sharpened longstanding critiques of inspection and articulated a common cause among farmers, manufacturers, and merchants—three groups that long had been at odds over the inspection system. Among the most frequently aired complaints were the system's potential for corruption and the lack of choice accorded to buyers and sellers. Meanwhile, a transportation revolution and the evolving imperatives of industrial capitalism spurred local and state lawmakers to reorient cities around the transshipment of commodities. The drive to transform cities into vessels for the rapid and unrestrained traffic in commodities—formally legislating free trade zones at crucial transportation nodes—ran squarely against the system upon which municipal and commercial leaders previously built a brand.

The flood of commodities that inundated the early-nineteenth-century city was not the only force that prompted new ways of thinking about and regulating movement through urban space. As consumer goods circulated more rapidly through the homes, streets, wharves, shops, and market houses of antebellum Baltimore and Philadelphia,

plebeian economic activities proliferated. These activities quite often straddled shifting cultural and legal boundaries of what constituted acceptable commercial behavior. One form these informal economies took was huckstering, which by definition took place along the physical and figurative edges of the well-regulated marketplace. Hucksters' ability to circumvent market regulations stretched public markets' formal boundaries, demonstrating both the potential rewards of and heightened anxieties about mobility in the antebellum city.



Fig. 3.1. An 1858 advertisement showcasing busy wharf scene on the Delaware River, as coopers construct barrels and stevedores haul them on and off of waiting ships. Library Company of Philadelphia.



Fig. 3.2. A New York comic valentine mocking coopers as dim-witted, ca. 1840-1880. Library Company of Philadelphia.

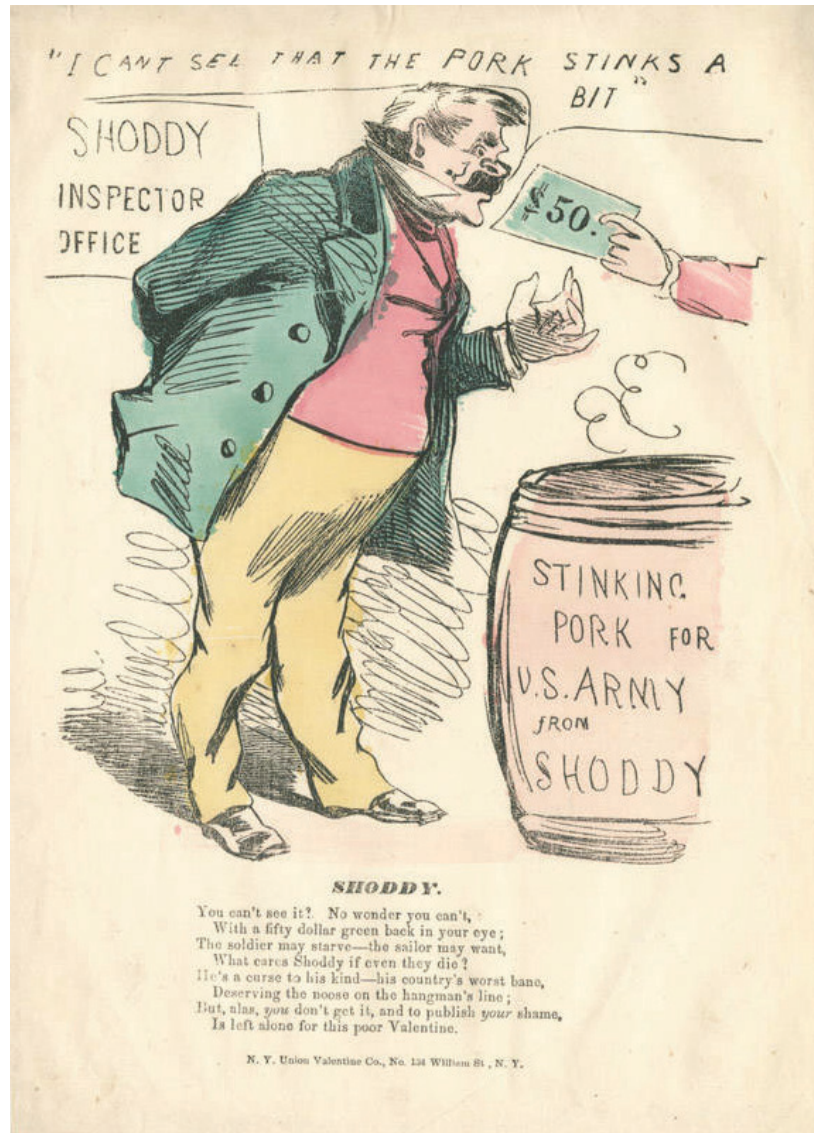


Fig. 3.3. Another New York comic valentine, ca. 1861-1865, that speaks to larger suspicions about the ineffectiveness and corruption of inspectors, particularly during the Civil War. Library Company of Philadelphia.

Chapter Four: Trading on the Margins

On the afternoons and evenings preceding market days, Philadelphia's Second Street was abuzz in commercial activity. Farmers braved the rutted roads leading in from north and south to sell the products of household labor. Wednesdays and Saturdays marked the greatest activity, when "the Streets leading to and from the Markets seem almost to groan, with the loaded baskets, piled in every direction," while "ranges of waggons extend[ed] through Second and Market Streets, for more than three miles."¹ In Baltimore, Howard Street served as the terminus for the wagons that twice a week flooded into the city, a "country produce imporium, where lusty farmers, athletic servants and crowds of 4, 6, and 8 horse carriages" bustled about. John H. B. Latrobe remarked in 1824 that the busiest parts of the city, aside from the wharves, were Howard Street, West Franklin Street, and Pennsylvania Avenue, "where the Conestoga wagons bringing country produce ... were unloaded for distribution to the markets."² Authors and artists alike found these scenes of rural producers passing the urban threshold on market day teeming with creative possibilities. Farmers and their travels to and from market likewise have drawn sustained inquiry from historians seeking to identify the causes, consequences, and chronology of capitalist development in early America.³

Meeting the farmers along the country roads that funneled into Second and Howard streets, traveling in both directions, was a motley set of itinerant traders called

¹ Daniel Bowen, *A History of Philadelphia...* (Philadelphia, 1839), 190.

² "Narrative of a Journey through the United States, 1821-1824" (manuscript), vol. 2 (Feb. 15, 1823), N-YHS; Raphael Semmes, *Baltimore as Seen by Visitors* (Baltimore: Maryland Historical Society, 1953), 91; "Reminiscences of Baltimore in 1824," *Maryland Historical Magazine* 1 (March 1906): 113-124.

³ For one example, see Martin Bruegel, *Farm, Shop, Landing: The Rise of a Market Society in the Hudson Valley, 1780-1860* (Durham: Duke University Press, 2002).

hucksters. While these women and men have occasioned less commentary from contemporaries and historians, they too forged relationships with an increasingly complex and integrated market economy. Emerging out of inefficiencies in the public market system, hucksters quickly became integral to the urban consumer economy in the early republic. Like the archetypal farmer sitting in his market-bound Conestoga wagon, the peripatetic huckster embodied a number of important features of antebellum capitalism. First, the huckster underscored the intermediated character of market capitalism in an era where commodities passed through more and more hands before reaching their consumers. Hucksters so thoroughly insinuated themselves in market relationships that it proved difficult to visually distinguish them from farmers, butchers, and other venders. Second, as a trade based on mobility and, in particular, the work of poorer men and women, huckstering captured the dynamic qualities of a capitalist economy predicated on moving people and goods ever more rapidly through the city and countryside. But because the people supplying this kinetic energy were poor, often women, and sometimes persons of color, hucksters' labor was scrutinized in ways that other commercial intermediaries' labors were not.

This points to a third feature of antebellum capitalism, the widespread application of formal as well as informal mechanisms to police women and men in the market economy. As prominent members of a mobile working class in antebellum America, hucksters found their ability to move at liberty challenged and disputed at every turn. Like other urban and rural laborers, free and unfree, hucksters operated under many legal restrictions, but more onerous were the extralegal burdens they endured: social authorities casting aspersions on their personal reputation and independence, police and market

officials mistreating them and randomly enforcing dead-letter laws, butchers and shopkeepers banding together to banish itinerants who tried to occupy market stalls and sidewalks, and the constant threat of violence. In part because hucksters proved difficult to formally regulate, competing retailers and middle-class residents increasingly portrayed hucksters as subverting the moral, spatial, and economic order of the city. As Michael Zakim and Gary Kornblith have argued recently, a fundamental problem facing the development of capitalism in antebellum America was how to establish a durable social and political order upon “a system of profitmaking based on the perpetual movement of goods and persons.”⁴ The case of hucksters and other mobile poor people points to an important way this order was established—through the production of fluid categories of legitimate and illegitimate movement that, by virtue of their inscrutability, justified the expansion of policing in late-antebellum America.

Finally, contests over hucksters’ access to market houses and sidewalks showcased the many valences of property that influenced urban regulation. Because they were privately owned but publicly accessible, sidewalks generated many complications for regulation.⁵ Shopkeepers, market renters, and property owners all argued that because hucksters did not operate from stable storefronts, and thus did not pay rent or taxes, they were not entitled to the same rights as “regular” dealers, who owned or occupied storefronts. Other property holders wielded their power for more benevolent purposes—granting hucksters permission to vend in front of their buildings—but to similar ends:

⁴ Michael Zakim and Gary J. Kornblith, “An American Revolutionary Tradition,” in *Capitalism Takes Command: The Social Transformation of Nineteenth Century America*, eds. Zakim and Kornblith (Chicago: University of Chicago Press, 2012), 1.

⁵ For works that treat the sidewalk as a space where the political influence of property holding was worked out in the antebellum city, see Robin L. Einhorn, *Property Rules: Political Economy in Chicago, 1833-1872* (Chicago: University of Chicago Press, 1991); Elizabeth Blackmar, *Manhattan for Rent, 1785-1850* (Ithaca, NY: Cornell University Press, 1989).

they were also asserting authority over the sidewalk as an extension of their own property. Recognizing that a storefront could not only prove more lucrative in the long run but also serve to legitimate their commercial reputation, some hucksters moved into storefronts as soon as they were able. For most of the antebellum period, the number of huckster shops remained small in Baltimore and Philadelphia, but this changed in the 1850s, when hundreds of hucksters opened provision stores or “green groceries.” In addition to decentralizing the late-antebellum retail landscape, the shift further undercut the economic independence of hucksters who were unable to rent storefronts, reinforcing the importance of property holding to the regulation of the urban economy. At the same time, the spread of green groceries across Baltimore dramatically illustrated how hucksters and their conception of vernacular capitalism—huckster capitalism—broadened the parameters of the marketplace in the early republic.⁶

I. Opening the marketplace

For as long as there had been public markets in Baltimore and Philadelphia, there had been hucksters to facilitate access to the products sold in them. One of the signal features of the public market was that it designated where and when farmers, butchers, and consumers could transact. Not all marketers confined their business to the “limits of the market,” nor did the freshness of foodstuffs neatly accord with authorities’ well-defined market schedule. Accordingly, the spatial and temporal constraints of the regulated marketplace promoted—indeed compelled—a secondhand economy in vegetables, fruit, meat, butter, bread, and other perishables. Huckstering was not always

⁶ My thinking on vernacular capitalism is influenced by Ritu Birla, *Stages of Capital: Law, Culture, and Market Governance in Late Colonial India* (Durham: Duke University Press, 2009), esp. 1-12.

sanctioned in state and municipal laws; even when it was, the legitimacy of this trade remained in doubt in the minds of middling and elite urban residents. Yet hucksters remained an intrinsic part of the consumer economy, purveyors of not just fresh provisions but also prepared foods and daily essentials from pins and combs to cambric and candles. By the first decades of the nineteenth century, hucksters were vital nodes in the commercial landscape, reflected in their growing prominence in popular portrayals of city life as well as legal and political discourse.

Hucksters formed ligaments of exchange in several regards. They mediated the buyer-seller relationship by acting as conduits between isolated urban consumers and rural producers and making food available outside traditional market hours. Hucksters brought the market to consumers in neighborhoods cropping up farther from city market houses, charging higher prices for their service—what they viewed as a reasonable charge for convenience (critics thought otherwise). Many of their customers came from the poorer classes of urban society, families unable or unwilling to devote the time to walk to the market house at least once a week. To a notable extent, then, hucksters spanned the market's spatial and class asymmetries. Relatedly, hucksters articulated between different scales of exchange, purchasing in bulk to sell “by the small” as well as acquiring goods from many sources to retail to wholesalers.⁷ Just as significant, huckstering itself was a bridge of sorts for navigating transitions in the lifecycle or, more often, lean periods. The result was a heterogeneous set of men and women taking up baskets to get by or get ahead on a combination of guile, grit, and geographic mobility.

Like other itinerant merchants in early America such as peddlers—whom David Jaffee characterizes as “facilitating the shift from local exchange, fostering the expansion

⁷ City Council Records, 1827:790, Baltimore City Archives (BCA).

of production in the countryside, and expanding the role of commodities in everyday life”—hucksters were both distributing agents and independent traders.⁸ With the striking of the market house bell at ten or eleven o’clock in the morning, after most customers had made their purchases, hucksters hustled from stall to stall, buying up unsold, damaged, or overripe fruit and vegetables from farmers at a discount. Others visited city bakeries, looking to purchase underweight loaves of bread from bakers. Prohibited by assize laws from selling the deficient bread, bakers were more than happy to find a ready outlet. An 1824 petition estimated there were 800 bread hucksters in Baltimore (compared to 80 master bakers), many of whom bought up bakers’ underweight or irregular loaves. It was customary for bakers in Philadelphia, memorialists wrote in 1829, “to sell bread by the dozen loaves to the hucksters, by whom the poor are generally supplied.” These loaves, instead of weighing sixteen ounces as required by the assize, often were several ounces lighter.⁹ Butchers divested themselves of imperfect cuts of meat through the agency of hucksters, as did sawyers and ship captains with their splintered, underweight, and mildewed firewood.¹⁰ Indeed, while the itinerant traders competed with propertied retailers for customers, shrewd shopkeepers relied on hucksters to sell off stock and circumvent municipal ordinances—or, more to the point, shift the blame for their transgressions.

For many Americans in the early republic, the term “huckster” principally evoked images of men and women bartering with farmers as they approached the city. While some country producers inveighed against hucksters for hectoring and deceiving them

⁸ David Jaffee, *A New Nation of Goods: The Material Culture of Early America* (Philadelphia: University of Pennsylvania Press, 2010), 157.

⁹ City Council Records, 1824:348, 1823:533, BCA; *To the Honourable the Senate and House of Representatives of the State of Pennsylvania...* (Philadelphia, 1829).

¹⁰ City Council Records, 1815:281, 1831:668, 1837:845, 1841:445, BCA.

into selling their goods before they were ready (not yet having determined their market value) or for less than they were worth, many farmers undoubtedly found the intermediaries a convenience. In 1805, “A Citizen,” a former farmer who taken residence in Philadelphia, outlined the various “benefits arising from hucksters and higglers.” First and foremost, hucksters saved farmers from the time and costs of retailing their own products. Freed from “the time spent sitting in market, selling a few half pecks of potatoes, a few strings of onions, &c.,” farmers could improve their lands and produce more for urban customers. As it was, all one had to do to see the deleterious effects of farmers attending market two or three times a week was to visit farms just west of the Schuylkill River, “the soil matted over with garlic.” Worse, he continued, farmers were “corrupted by leaving their industry to depend on the casualties and caprice of customers,” learning bad habits and language. Hucksters thus enabled an appropriate division of labor, made all the better by dint of preserving the good morals and “sacred fire” of the country people.¹¹

Channeling Adam Smith and Thomas Jefferson, “A Citizen” elided the complex networks that sustained agricultural labor, ignoring for instance rural women who sold butter and homespun wares alongside the family’s fruit, vegetables, and meat in city markets.¹² Likewise, others would have contended that hucksters, rather than saving farmers from having to experience the disorienting and debasing effects of the city, brought these effects to the countryside. A British traveler boarding a sloop on the Hudson River in 1822 was “assailed by a host of fellows carrying baskets with fine

¹¹ *Aurora General Advertiser*, Feb. 9, 1805.

¹² Jeanne Boydston, “The Woman Who Wasn’t There: Women’s Labor and the Transition to Capitalism in the United States,” in Paul A. Gilje, ed., *Wages of Independence: Capitalism in the Early American Republic* (Madison, WI: Madison House, 1997), 23-48; Christopher Clark, “The View from the Farmhouse: Rural Lives in the Early Republic,” *Journal of the Early Republic* 24, no. 2 (Summer 2004): 198-207.

apples, oranges, lemons, or ginger cakes.” These hucksters ignored all marks of rank and respectability, “push[ing] themselves into any company, or place. ... No situation is a sanctuary from their attacks.” Noting that “most of them appeared to be blundering Irishmen,” he concluded that the hucksters “completely eclipse the oyster dealers, or fish and apple wives of Edinburgh, for sauciness.”¹³ Nevertheless, it seems rural producers shared views the views of “A Citizen,” and not simply because hucksters enabled them to focus on production. For a rural population skeptical of the cash nexus, hucksters remained an outlet for barter, which provided many lacking ready access to cash with a way to engage with capitalist markets on their own terms. With stock immediately on hand, hucksters could supply country people with articles ranging from basic to exotic, allowing the weary farmer to return home at the end of market day with a full wagon.¹⁴ Hucksters also provided market access to farmers otherwise disinclined or unable, as an 1816 petition noted: “We generally buy from those who would not bring to Market what we buy.”¹⁵

In making their purchases and re-selling them, hucksters demonstrated a keen grasp of changing consumer tastes, price and availability, and market geographies. For instance, watermelons not sold at Centre Market might be on sale in Lexington Market the following day, Belair Market a few days after that, or on doorsteps and sidewalks throughout Baltimore. All but the most spoiled produce, meat, and fish found a consumer,

¹³ “Narrative of a Journey through the United States, 1821-1824,” vol. 1, ch. 12 (June 12, 1822), N-YHS.

¹⁴ See also Joshua Brookes Journal, 1798-1803 (typescript, pp. 527-29), N-YHS. On payment options, Lorena Walsh argues that hucksters, along with butchers and other victuallers, were “much too poor to be in a position to advance credit” and “likely always sold only for ready cash.” While impossible to quantify, the role of barter or other flexible forms of payment ought not to be discounted, though, as Ellen Hartigan-O’Connor has shown, the cash nexus quickly was eclipsing alternative forms of payment in late-eighteenth-century port cities. Lorena S. Walsh, “Feeding the Eighteenth-Century Town Folk, or, Whence the Beef?” *Agricultural History* 73, no. 3 (Summer 1999): 279; Ellen Hartigan-O’Connor, *The Ties That Buy: Women and Commerce in Revolutionary America* (Philadelphia: University of Pennsylvania Press, 2009), 54-58.

¹⁵ City Council Records, 1816:326, BCA.

even if that consumer was one of the countless pigs or goats that poorer urban residents raised. Thus fruit and vegetables cycled through the city's public markets until they were eventually purchased or consumed. While the particularities of this food cycle were a form of trade knowledge—jealously guarded by hucksters—one French visitor summed up what it would have appeared to an outsider: “Wednesday and Saturday are market days” in Philadelphia, while “on other days one finds only scrap meat and vegetables.”¹⁶ The farther food traveled and the more hands through which it passed, the more likely it ended up consumed by the poor—to say nothing of its freshness. While it will be seen that middling or elite critics frequently excoriated hucksters as monopolizing and speculating to the great detriment of poorer customers, many laboring households would have viewed hucksters as a crucial link to a marketplace in which they already exercised limited or contingent forms of choice as consumers.¹⁷

Another way in which hucksters democratized consumer access to the marketplace was by downscaling products to meet the budgets of customers who scraped by week to week. For some consumers, smaller portions allowed them to enjoy delicacies they otherwise had to forego. By repackaging butter into smaller rolls, cutting fresh beef into smaller pieces, and breaking loaves of white bread in halves and quarters, hucksters gave poor families a taste of the good (or at least comfortable) life. Hucksters did more than peddle the occasional indulgence; for many, they were outlets for a range of more basic household provisions. In the early 1820s, with laboring families still reeling from

¹⁶ Kenneth Roberts and Anna M. Roberts, eds., *Moreau de St. Méry's American Journey, 1793-1798* (Garden City, NY: Doubleday, 1947), 78.

¹⁷ Seth Rockman has detailed how poor Baltimoreans were often inclined to trade off long-term planning for short-term conveniences (and necessities), which critics latched onto in their critiques of the supposedly spendthrift habits of the poor. Seth Rockman, *Scraping By: Wage Labor, Slavery, and Survival in Early Baltimore* (Baltimore: Johns Hopkins University Press, 2009), 173-185.

the Panic of 1819, Baltimore hucksters who dealt in bacon and other smoked (read: cheaper) meats defended their trade from efforts to ban them from the markets. Because they sold “Small cut pieces” to customers unable to “purchase by the Large,” their expulsion from the market would only harm “the poorer class of purchasers.” Another petition echoed these sentiments, arguing they had been able to sell cured meats “for a reduced price, from what it would have been in case those persons had been prohibited the priviledge of cutting up and selling outside.” Referencing both their customers and themselves, the hucksters noted that “the afflicting state of the times require economy, and the industrious poor ought not to be forgotten by your Hon. Body.”¹⁸ Fresh food was only one of several services hucksters provided to their urban clientele, who could also purchase smaller portions of wood, soap, candles, cotton, pins, toothbrushes, and tinware from these mobile groceries. A New Englander recalled how hucksters “would split a cracker, cut a candle, or halve a row of pins.”¹⁹ As working-class households had fewer facilities to store a side of beef or other bulky items, compared to wealthier families who could afford the cost and space, hucksters scaled the market to the needs and capacities of the poor.

Indeed, hucksters typically resided in the same streets and courts as their customers. As the petition of Baltimore’s bacon venders suggests, and Seth Rockman has argued, huckstering provided some with a means of “opting out” of a cutthroat labor market. In the early republic, and particularly in the wake of the Panic of 1819, more men and women turned to street vending to buffer themselves from the boom-and-bust cycles

¹⁸ City Council Records, 1824:337, 1823:239, BCA.

¹⁹ Daniel Vickers and Vince Walsh, *Young Men and the Sea: Yankee Seafarers in the Age of Sail* (New Haven: Yale University Press, 2005), 153-154.

of nineteenth-century capitalism.²⁰ A small but increasing number of hucksters doubled down on their successes by opening shops, often in the basement or first floor of their dwellings. In early national Philadelphia, many widows and sailors' wives operated these humble storefronts in small streets and courts. "Notwithstanding the variety of articles kept," an observer wrote, "the whole stock of some of them might be stowed into a bushel basket." Such shops provided enterprising poor women one of few paths to upward mobility, even if many continued to take in washing and knitting work on the side.²¹ By the middle third of the nineteenth century, at least a few male hucksters leveraged their economic success into careers as large-scale middlemen.

More often, huckstering was a temporary economic strategy employed by white and African American men and women with limited class mobility. For young women arriving from the countryside, retailing provisions and prepared foods offered possibilities for stable (if temporary or part-time) employment when demand for domestic servants slackened. Knowledge gained from working on family farms lent itself to retailing fruits and vegetables, while domestic skills such as cooking and baking served well those who vended soups like pepperpot, creamed corn, cakes and confections, and hot meals in city streets and markets. For African American women in Philadelphia, huckstering offered a modicum of economic autonomy in a labor market that rendered them doubly vulnerable on the basis of sex and skin color. This is exemplified in the late-

²⁰ Rockman, *Scraping By*, 126-131; Priscilla Ferguson Clement, *Welfare and the Poor in the Nineteenth-Century City: Philadelphia, 1800-1854* (Cranbury, NJ: Associated University Presses, 1985).

²¹ Vickers and Walsh, *Young Men and the Sea*, 153-154; *Claypoole's American Daily Advertiser*, Feb. 11, 1796. Female shopkeepers were prevalent, but the available records (such as tax lists) to piece together their commercial activities vastly underrepresents poorer retailers who operated their own shops. Patricia Cleary, "'She Will Be in the Shop': Women's Sphere of Trade in Eighteenth-Century Philadelphia and New York," *Pennsylvania Magazine of History and Biography* 119, no. 3 (July 1995): 185; Karin Wulf, "Assessing Gender: Taxation and the Evaluation of Economic Viability in Late Colonial Philadelphia," *Pennsylvania Magazine of History and Biography* 121, no. 3 (July 1997): 204-205.

1780s case of Dina, a slave who absconded from a Chester County plantation and passed as a free woman. She sold pepperpot in Philadelphia's market houses for over a year and a half before her master tracked her.²² Abrupt changes or seasonal patterns in household economy also drew many into small-scale retailing, often to supplement other forms of employment. Wives and female relatives of maritime workers, for instance, often peddled food and homespun wares in addition to operating boardinghouses or taverns. When family members departed more permanently through death or desertion, many urban residents took up a basket and began huckstering—a business that required a certain degree of tenacity and commercial competency but little in the way of start-up capital.²³

The first decades of the nineteenth century witnessed an attendant growth in the presence of hucksters in city streets. It is difficult to quantify this growth, for a number of reasons. City directories offer only a partial glimpse, given their typical underrepresentation of laboring and itinerant populations. That many Philadelphia hucksters were African American only contributes to their elision, since directories only sporadically enumerated free blacks in the early republic. As a seasonal or makeshift form of employment, huckstering might not have been the occupation listed for all hucksters. Or in the case of many women, they may have been listed simply as widows—this appears to have been the case for an 1816 petitioner known only as “widow Brown.” Thus when Philadelphia's 1800 trade directory counted 53 hucksters out of a population of 41,000 and growing, it likely fell well short of the actual number of hucksters

²² *Freeman's Journal* (Philadelphia), April 11, 1787. The advertisement of James Anderson also suggested that Dina was instrumental in aiding other runaways. See also Gary B. Nash and Jean R. Soderlund, *Freedom by Degrees: Emancipation in Philadelphia and Its Aftermath* (New York: Oxford University Press, 1991).

²³ Candice L. Harrison, “‘Free Trade and Hucksters' Rights!’ Envisioning Economic Democracy in the Early Republic,” *Pennsylvania Magazine of History and Biography* 137, no. 2 (April 2013): 151-152; Karin Wulf, *Not All Wives: Women of Colonial Philadelphia* (Philadelphia: University of Pennsylvania Press, 2000), 144-145; Rockman, *Scraping By*, 126-131; Zabin, *Dangerous Economies*, 70-75.

traversing the city's streets and market houses.²⁴

Popular sources suggest an increase in their numbers (or prominence) during the first third of the nineteenth century. For artists and authors seeking to understand the cultural landscape of the American city, hucksters illustrated the humor and casual amalgamations of everyday urban life (Fig. 4.1). German-born painter John Lewis Krimmel was immediately drawn to Philadelphia's hucksters, spotlighting them in works that showcased multiracial and mixed-sex scenes, such as *Pepper-Pot: A Scene in the Philadelphia Market* (1811) and *Nightlife in Philadelphia: An Oyster Barrow in front of the Chestnut Street Theater* (1811). Others recorded the oral culture of hucksters, whose street cries were preserved in a popular genre of early-nineteenth-century juvenile literature known as the *Cries (of London, of New York, of Philadelphia)*.²⁵ Visitors like Anne Royall in 1824 marveled at the "perfect phalanx" of hucksters "station[ed] at each end of the market-houses" in Baltimore: "Here an old woman sitting with a table spread with nice bread and butter, veal cutlet, sausages and coffee; there another, with a table bending under the weight of candy, sweet cakes, oranges and apples; another with choice vegetables; another with fowls, as fat as corn could make them."²⁶

Early-nineteenth-century observers generally acknowledged that hucksters played a significant role as intermediaries in the urban marketplace. Whether hucksters were

²⁴ City Council Records, 1816:326, BCA; *Universal Gazette*, Sept. 4, 1800; Richard Oestreicher, "The Counted and the Uncounted: The Occupational Structure of Early American Cities," *Journal of Social History* 28 (Winter 1994): 351-361. There were six Browns listed as widows in the 1816 Baltimore directory but no hucksters under that name. *The Baltimore Directory and Register, For the Year 1816* (Baltimore, 1816).

²⁵ *The Cries of Philadelphia: Ornamented with Elegant Wood Cuts* (Philadelphia, 1810); Simon J. Bronner, "Street Cries and Peddler Traditions in Contemporary Perspective," *New York Folklore* 2, nos. 1-2 (Summer 1976): 2-16; Dell Upton, *Another City: Urban Life and Urban Spaces in the New American Republic* (New Haven: Yale University Press, 2008), 67-68; William Dunlap, *History of the Rise and Progress of the Arts of Design in the United States* (New York, 1834), 2:235.

²⁶ Anne Royall, *Sketches of History, Life, and Manners in the United States* (New Haven, 1826), 196-197.

beneficial or not prompted far more disagreement. Many middling and elite commentators contended that hucksters did more harm than good to farmers, urban consumers, and in particular the poor. Looking back on the city since independence, Philadelphia antiquarian John Fanning Watson characterized hucksters in 1830 as “a genus now so prevalent in our market—an irresponsible, unknown, but taxing race.”²⁷ Others were more pragmatic in their assessment. Writing in the *Mechanics’ Free Press* in 1831, “Joe” posed the question: “Are the hucksters of any use? It appears to me that they must be a convenience, either to the farmer or to the citizen,” or else “why does the farmer find it convenient to sell to them before selling to the citizens? or why does the citizen purchase from them if they are not a convenience to him?”²⁸ Most Baltimoreans and Philadelphians—including poor consumers whose opinions can only be deduced from their continued patronage of hucksters—likely would have agreed with the sentiments of an editorialist in 1824. After alleging that the high cost of food could be traced directly to hucksters, he admitted that the itinerant traders were “a useful class of traders in a populous city, when properly restricted.”²⁹ What constituted a “proper restriction” was another matter.

II. The limits of municipal authority in the marketplace

Mediating the relationship of producers and consumers, hucksters were subject to a host of laws aimed at restricting their mobility. Most notable were prohibitions on forestalling, engrossing, and regrating—three practices by which hucksters circumvented

²⁷ John Fanning Watson, *Annals of Philadelphia and Pennsylvania, in the Olden Time...* (Philadelphia, 1830), 217-218.

²⁸ *Mechanics’ Free Press*, March 19, 1831, March 5, 1831. See also *Hazard’s Register*, March 6, 1830.

²⁹ *Aurora*, Aug. 12, 1824.

the temporal and spatial controls of the public market. Forestallers purchased provisions from farmers before they reached the marketplace or in the market before it officially opened for the day. In addition, forestallers circulated rumors about the supposed availability of supplies in an attempt to manipulate prices. Engrossers and regraters also interposed themselves between producers and consumers, concentrating bargaining power in the hands of intermediaries. Engrossers hoarded particular commodities with the intent of driving up prices through artificial scarcity. Regraters bought products in the market in order to sell them at a marked-up price. Forestalling, in particular, connoted a physical as well as economic interposition between producer and consumer—according to a 1750 definition, it was both “to intercept on the Highway” and to purchase goods “by the Way as they come to Fairs or Marketts to be sold ... to the Intent to sell the same again, at a higher and dearer Price.”³⁰ While not all hucksters were forestallers, engrossers, or regraters, they were historically linked to these practices.

In contrast to other itinerant intermediaries in the early republic, such as peddlers, hucksters were understood as a distinct regulatory issue because they trafficked in fresh food. In 1788, Maryland lawmakers bemoaned the “divers persons, in and about Baltimore town,” who “made a practice of purchasing up and engrossing the provisions coming to the said markets, and selling the same again, thereby enhancing the price to the great injury of the inhabitants.”³¹ To counteract the problem, forestalling laws established a ring stretching several miles outwards from city limits, within which hucksters were prohibited from buying provisions with the intent to resell them. When Philadelphia and Baltimore received their corporate charters and thus broader power to legislate their

³⁰ Giles Jacob, *A New Law Dictionary: Containing the Interpretation and Definition of Words and Terms used in the Law*, 6th edn. (London, 1750), n.p.; Tangires, *Public Markets*, 5-8.

³¹ Ch. 17, sec. 1 (1788), *Public Law of Maryland*.

public markets in 1789 and 1797, they also acquired the power to police hucksters beyond the city, as far as ten miles according to an 1805 Baltimore ordinance.³² Such ordinances were yet another instance, alongside inspection laws, of municipal leaders seeking to expand their economic influence beyond the political boundaries of the city.

By bounding commercial activity in time as well as space, public market controls instituted other mechanisms to limit forestalling by the cities' hucksters. Laws that established the opening and closing of the market aimed to allow urban consumers to have an opportunity to purchase the freshest and most wholesome provisions. To ensure these temporal restrictions were sufficiently promulgated, authorities early on installed bells to alert farmers and customers from miles away about the impending opening or closing of the market. In 1727, Richard Armit was complained to Philadelphia's common council that "many Hucksters in this City [were] buying provisions in the Markett, and often meet[ing] the people Coming to Markett at the ends of the Streets [to] buy up provisions." The council resolved to appoint "an Hour, both Winter and Summer, for the Ringing the Bell" to signal the times when hucksters were permitted to enter the marketplace. The ringing, repairing, and replacing of market bells remained an important responsibility of market clerks well into the nineteenth century.³³ Only after the close of market day, in the late morning or early afternoon, were hucksters permitted to buy all unsold provisions from farmers, and only within the limits of the market.

And yet, public markets proved far more effective in attracting an array of commercial activity than in containing that activity. Municipal prohibitions on forestalling, regrating, and engrossing did little to keep hucksters from entering the public

³² Ordinances of June 8 and Aug. 17, 1789, *Ordinances of Philadelphia*; No. 3, sec. 8 (1805), *Ordinances of Baltimore*.

³³ *Minutes of the Common Council of the City of Philadelphia, 1704 to 1776* (Philadelphia, 1847), 279-280.

market before the appointed time, from converting the streets into ad hoc markets, or from accosting farmers arriving in the city. Observers frequently bemoaned hucksters' brazen attempts to forestall the marketplace in the early republic. Farmers like "Ezekiel" from Montgomery County, north of Philadelphia, complained of constant harassment by hucksters and "being teased almost to death" every time they entered the city on Second or Third Streets. His experiment of traveling down Front Street left him worse off, as he was divested of most of his articles by a huckster who, "with the assistance of his two young devils," badgered him into selling his poultry and flax seed for a fraction of their worth.³⁴ In 1795, "Ironicus" mockingly praised hucksters for assisting "our good friends from the country," who "are often at a loss to determine on the prices at which to sell their commodities."³⁵ Farmers bringing their produce to market by water fared no better. During the yellow fever epidemic of 1797, market clerks fled Philadelphia, leaving hucksters free to forestall with abandon. "Before we could get on shore," a citizen complained to Mayor Hilary Baker, "the boat was attacked by nine hucksters at one time, [seeking] to know the price of the articles, and their eagerness was such in jumping on board, that the boat was near being filled with water before we could possibly have time to land."³⁶

For critics of huckstering, such scenes pointed to the slackness of municipal authority. At issue, they believed, was not the strength of the market laws but their implementation. After noting that an 1802 Philadelphia ordinance required penalties of hucksters who bought up and "monopolize[d]" fresh provisions and sold them "at extortionate prices," a resident queried the mayor: "Why is not the law put in force

³⁴ *The Tickler*, Feb. 19, 1812.

³⁵ *Gazette of the United States*, Sept. 15, 1795; *Aurora General Advertiser*, Sept. 9, 1795.

³⁶ *Porcupine's Gazette*, Sept. 6, 1797.

against these [hucksters]?”³⁷ “A Householder” averred in 1805 that market laws were “very ample for the purposes intended” but were “openly, glaringly and impudently violated daily ... whilst the *gentle ministers of regulation* passed heedlessly by.”³⁸ City officials disclaimed blame, with some calling for more power to regulate hucksters and others for more assistance from the public. Mayor Robert Wharton informed Philadelphia’s common council in 1810 that there existed a dire need for the state to augment “the powers of the Corporation to prevent Hucksters from selling in our Market.”³⁹ In Baltimore’s inaugural mayoral address in 1797, James Calhoun acknowledged that the goal was to “check if not intirely prevent, the evil practice of forestalling the immediate necessities of life.”⁴⁰ This required consumers to inform on forestallers—something they were disinclined to do, as one Baltimore market clerk wrote: “Citizens often complain that they see those things, yet they will not give the officer any assistance, nor are willing to be stigmatized with the name of an informer.”⁴¹

Throughout the antebellum period, hucksters by and large evaded restrictions on their commercial mobility. There were two primary reasons for this. The first stemmed from the paternalism of the early republic’s social and political elite. Acting out of a sense of duty as social betters as well as a desire to limit public tax burdens, city fathers encouraged the poor to be industrious and self-sufficient. They recognized that huckstering offered opportunities to widowed mothers, physically disabled men, and other “worthy” poor to earn a living. Hucksters in turn understood the power of

³⁷ *Gazette of the United States*, July 28, 1803.

³⁸ *Gazette of the United States*, Nov. 4, 1805 (italics in original).

³⁹ Minutes of the Common Council of Philadelphia, Dec. 17, 1810, Philadelphia City Archives (PCA).

⁴⁰ William G. Lefurgy, “Prudent Laws and Wise Regulations: Three Early Baltimore’s Mayor’s Messages, 1797-1799,” *Maryland Historical Magazine* 78, no. 4 (Winter 1983): 279.

⁴¹ City Council Records, 1816:467, BCA.

paternalism and manipulated it in their petitions to city leaders.⁴² As a result, city lawmakers were ambivalent towards hucksters well into the 1840s, occasionally passing legislation to curb forestalling, engrossing, and regrating, but only once attempting to outlaw the trade altogether. What ordinances they did pass proved difficult to enforce for a second reason: the illegible character of huckstering. Hucksters and the articles they retailed often looked no different from farmers, butchers, and their products. Forestalling could be indistinguishable from wholesaling and other widely accepted mercantile pursuits, a fact that vexed lawmakers striving to create clearly defined commercial categories. Before examining the consequences of the law's tacit permission of hucksters, it is worth considering the issues of paternalism and legibility.

Because of the diverse social composition of hucksters and the mobile nature of their work, the regulation of huckstering was virtually always entangled in politics of class, gender, and race. Indeed, hucksters embodied the fluid social geographies of the early republic city. In Baltimore and Philadelphia's neighborhoods, one had to inspect closely for indications of residential stratification by class. In the early nineteenth century, residents from across the social spectrum still inhabited overlapping residential and social spaces, though neighborhoods were becoming more homogeneous over time.⁴³ The cities were perhaps even less segregated along lines of race in the early republic. Fells Point and Southwark were the central nodes of the two cities' African American populations,

⁴² On the tensions between the paternalist and economic motivations of poor relief, see Rockman, *Scraping By*; Clement, *Welfare and the Poor*. For contemporary examples, see *Report of the Library Committee of the Pennsylvania Society for the Promotion of Public Economy* (Philadelphia, 1817); Mathew Carey, *Advice and Suggestions to Increase the Comforts of Persons in Humble Circumstances* (Philadelphia, 1832); James Mease, *On the Utility of Public Loan Offices & Savings Funds, Established by City Authorities* (Philadelphia, 1836).

⁴³ Billy G. Smith, *The 'Lower Sort': Philadelphia's Laboring People, 1750-1800* (Ithaca, NY: Cornell University Press, 1990), 163-165. See also Elizabeth Blackmar, *Manhattan for Rent, 1785-1850* (Ithaca, NY: Cornell University Press, 1989), 72-108.

but both neighborhoods also contained a sizeable (but perhaps more transient) portion of laboring and middling whites. Spatial proximity did not imply social egalitarianism, however. In the absence of geographic differentiation, the twin principles of deference and paternalism did the work of maintaining class and race boundaries. While these two ideals only barely masked mounting social tensions—and frequently collapsed under the weight of collective violence, as in Baltimore’s 1812 riots—they nevertheless characterized urban governance in the early republic.⁴⁴ In the marketplace, one of the city’s most diverse spaces, the equal exchange of the two forms of social currency—deferential respect and paternalistic largesse—was deemed especially critical to public order (though often lacking).

Consequently, no class of the community encountered the politics of deference and paternalism as routinely or intrinsically as hucksters, who proved adept at navigating the terrain. While hucksters sometimes responded to challenges to their trade with verbal and physical combat, at other times they played on city elites’ feelings of social obligation. Hucksters did so by strategically invoking gendered tropes in their interactions with authorities, though gender shaped the types of claims male and female hucksters could make. Huckster men were in a more delicate position, because many viewed huckstering as a woman’s occupation—able-bodied men were thought “well able to procure a livelihood in a more reputable way.”⁴⁵ Thus men had to fully demonstrate *why* they had to huckster for a living. Appealing to Baltimore’s mayor and city council, male fruit venders John Shearan and Thomas Moor noted that one was “advanced in age

⁴⁴ Emma Jones Lapsansky, *Neighborhoods in Transition: William Penn’s Dream and Urban Reality* (New York: Garland, 1994); Paul A. Gilje, “The Baltimore Riots of 1812 and the Breakdown of the Anglo-American Mob Tradition,” *Journal of Social History* 13, no. 4 (Summer 1980): 547-564; David Grimsted, “Rioting in Its Jacksonian Setting,” *American Historical Review* 77, no. 2 (April 1972): 361-397.

⁴⁵ *Poulson’s American Daily Advertiser*, Aug. 9, 1805.

and therefore incapacitated from earning a livelihood by labor, and the other is a cripple.”⁴⁶ More often, men emphasized their responsibility to large families. In 1843, James Brown, a wood huckster, asked relief from unpaid fines so he could continue “to sustain his family, consisting of his wife and five children, the oldest of whom not more than fourteen years.” His wife was in poor health and thus unable to take up a huckster basket herself.⁴⁷

Women also had to justify their employment as hucksters, but they had more latitude to address other issues in their petitions than male counterparts. They validated their occupation most often by claiming vulnerability and lack of husband support. In an 1805 petition to Philadelphia’s city council, nineteen huckster women began by describing themselves as “oppressed by the cares of Widowhood” as well as “rendered helpless by the infirmities of age” and “enfeebled by sickness.” They then launched, Candice Harrison shows, into a more strident critique of the lack of respect accorded to them in society and the law.⁴⁸ Widow Brown and other market women from Fells Point conveyed a similar message to Baltimore lawmakers in 1816: “We are poor women, and most of us are Widows, and have families to Support.” The signatures on the petition further underscored the gendered nature of the appeal. Men’s names predominated, while a single person signed all the market women’s names (possibly because they were semi-literate or illiterate) and appended “Widow” next to most of them.⁴⁹

A second petition from 1816 highlighted the skillful joining of deference and critique in hucksters’ appeals to authorities, who had just passed an ordinance outlawing

⁴⁶ City Council Records, 1826:476, BCA.

⁴⁷ City Council Records, 1843:292, BCA.

⁴⁸ Harrison, “‘Free Trade and Hucksters’ Rights,’ 169-170.

⁴⁹ City Council Records, 1816:326, BCA.

all forms of huckstering.⁵⁰ Mary Waddle and four other huckster women recounted being forcefully evacuated first from the marketplace and then from the footway at the corner of Market Space and Second Street, before being prosecuted and fined \$1.58 each. Establishing they were “poor necessitous and indigent women chiefly burdened with young and helpless Children,” they stepped back to consider the popular prejudice against them: “Some perhaps taking human wants woes and difficulties into only a very slight consideration, will say, ‘why may not these women apply themselves to other ways of getting a living?’” They answered in the third person, citing the social and economic inequities produced by the boom-and-bust cycles of early-nineteenth-century capitalism: “These women have no mechanical trade, no manufacturing faculty, no stock, can obtain no employment (for the present impeded state of business has caused large factories to cease their operations) whereby they could obtain a scanty subsistence for themselves and families.”⁵¹

They concluded the third-person exchange with a warning to city leaders as well as a subtle but significant argument for free trade: “An Alms house then, if they [hucksters] must be fettered from possible industry, must be their final resource.” In a final appeal to paternalist authority, they decried the effects of the ordinance not only on themselves but also on their customers, who suffered “privation and inconvenience” without access to “such necessities as your Petitioners were wont to have on readiness for them.”⁵² The two petitions were remarkable for a number of reasons, not least of

⁵⁰ No. 12 (1816), *Ordinances of Baltimore*. See also City Council Records, 1815:425, 1812:586, BCA.

⁵¹ City Council Records, 1816:327, BCA. For a similar appeal, see City Council Records, 1827:484, BCA.

⁵² City Council Records, 1816:327, BCA. Seth Rockman has also explored the gendered qualities of the two 1816 petitions. Unlike Candice Harrison in her analysis of the 1805 Philadelphia petition, however, Rockman does not observe in the hucksters’ appeals a free-trade (or capitalist-democratic) critique of the 1816 ordinance. Rockman, “Women’s Labor, Gender Ideology, and Working-Class Households in Early

which was that they marked the first sustained petitioning campaign by poor women in Baltimore that elucidated an economic worldview. Their homespun political economy was predicated on the belief that an open marketplace was also a democratic one, as long as hucksters were accorded the respect they deserved as legitimate traders.

Eventually, the pleas of Mary Waddle, widow Brown, and other Baltimore market women led to the repeal of the 1816 ordinance. A revised market ordinance in 1819 eliminated the huckster provisions, but they were reinstituted the following year “as if the said repealing ordinance had never been passed.”⁵³ Still, the law had become a dead letter by the early 1820s. The Panic of 1819, which forced many poor households into new informal labor arrangements to make ends meet, was a primary factor in its demise. Even when market clerks and police detained men and women for huckstering, magistrates proved unwilling to prosecute for petty infractions. In light of this, city shopkeepers frequently expressed their displeasure to city leaders in the 1820s. When Edward Johnson was again appointed mayor in 1819, grocers were hopeful that Johnson (who had left office shortly after the 1816 law was passed) would revive the moribund ordinance. Despite Johnson’s “declar[ation] that all he could he would do in the Business,” by 1823 petitioners decried “the alarming length to which the Business of forestalling had arrived in the Center Market.”⁵⁴ Another 1823 petition asked for a stronger ordinance to combat the hucksters “who infest our markets.” In a sign of a shift in attitudes, however, the petitioners called for a tax or fee on huckstering, “since it does appear impossible to drive

Republic Baltimore,” *Pennsylvania History: A Journal of Mid-Atlantic Studies* 66, no. 5 (1999): 174-200; Harrison, “Free Trade and Hucksters’ Rights,” 171-173.

⁵³ No. 8 (1819), No. 15 (1820), *Ordinances of Baltimore*.

⁵⁴ City Council Records, 1823:232, BCA. Indeed, Johnson spurred the 1820 reinstitution of the huckster ordinance, which had been repealed by his predecessor, George Stiles. No. 8 (1819), No. 15 (1820), *Ordinances of Baltimore*.

them from the markets as salesmen & women altogether.”⁵⁵ That same year, the city repealed the huckster ordinance once and for all, and over the course of 1824 and 1825 lawmakers increasingly authorized huckstering—first by licensing it, then by removing the prohibition on purchasing food within five or ten miles of the city with the intent to resell it.⁵⁶

Elite paternalism may have undermined the 1816 ordinance, but it was not the only cause of its repeal. For it proved unfeasible to isolate huckstering from other market activities. As an 1821 report put it, “it is almost impossible for the City Council to pass any ordinance which can effectually put a stop to the evil complained of (and which is a serious grievance) without infringing the rights which are common to all persons.”⁵⁷ Forestalling laws could restrict the very farmers and consumers the laws were meant to serve. In 1800, a petition signed by 421 Baltimoreans lamented a recent ordinance aimed at forestallers, but which ultimately “deprived [them] of the Liberty of Purchasing Provisions from the Country people in the streets as usual.”⁵⁸ In 1804, Mayor Calhoun conceded that forestalling laws were “daily violated without the possibility of detection by persons disposed to evade it,” punishing those farmers and urban customers who followed them. He urged the city council to consider “how far the prohibiting the sale of provisions out of Market to the consumer is useful.” Spurred on by the petition and Calhoun’s missive, the city council revised its market law to permit farmers to sell

⁵⁵ City Council Records, 1823:237, BCA.

⁵⁶ No. 15 (1823), No. 17 (1824), No. 17 (1825), *Ordinances of Baltimore*.

⁵⁷ City Council Records, 1821:556, BCA.

⁵⁸ City Council Records, 1800:272, BCA. This petition provides another example of gendered tropes. Because the chief residents of the neighborhood were “merchants whose Business lays on the wharfs and Mechenicks whose Employment calls their attention,” shopping had become a “Burthen [that fell] on the weaker part of their family.”

outside market hours.⁵⁹ But this raised a second and more intractable problem: legibility. Hucksters simply could pass themselves off as farmers and receive preferential treatment.

In 1831, controversy erupted in Philadelphia over the practice of hucksters pretending to be farmers to avoid paying license fees and rent. State laws directed the municipal corporation to ensure farmers could vend their produce for free in city markets.⁶⁰ With chronically limited space in High Street Market, the city turned to establishing curbstone locations for farmers to sell vegetables and meat from their wagons. To the chagrin of butchers and authorities alike, a number of huckster men and women outfitted wagons, took up residence along the curbstones, and fashioned themselves as farmers. A large portion of these unregulated hucksters came to be known derogatively as “shinners” (so called, presumably, because of the hazards their makeshift market stalls posed to the legs of passersby). These hucksters retailed meat they purchased from surrounding areas, in turn cutting and selling it in smaller pieces than regulated butchers were allowed to from their market stalls. As a result, shinners attracted poorer customers who could not afford to buy meat by the quarter (at least 200 pounds)—though shinners argued that “there is scarce any family, especially in the warm season, who would wish to buy a whole quarter of meat.”⁶¹

Butchers protested at what they viewed as illegitimate competition from “victuallers and others, not inaptly termed ‘*shinners*,’ under the assumed garb of farmers.”

In July 1831, several butchers presented a petition at a meeting of the common council,

⁵⁹ City Council Records, 1804:199, 1805:229, BCA; No. 3 (1805), *Ordinances of Baltimore*.

⁶⁰ Act of March 23, 1786, Act of March 19, 1804, Act of March 19, 1810, *Session Laws of Pennsylvania*.

⁶¹ *National Gazette and Literary Register*, July 19, 1831; Thomas De Voe, “Public Markets of Philadelphia” (manuscript, ca. 1860s-1880s), New-York Historical Society; Sean Patrick Adams, “How Choice Fueled Panic: Philadelphians, Consumption, and the Panic of 1837,” *Enterprise & Society* 12, no. 4 (December 2011): 772-774. On the term “shinning,” as it was more commonly used at the time (denoting aggressive loan seekers), see Edward J. Balleisen, *Navigating Failure: Bankruptcy and Commercial Society in Antebellum America* (Chapel Hill: University of North Carolina Press, 2001), 73.

stating: “Laws, whose salutatory intentions can be thus easily evaded, or perverted to purposes manifestly repugnant to their spirit or design, must in themselves be radically defective.”⁶² They called on the common council to repeal the law giving shelter to shiners and restore to butchers their economic rights. Until the council considered their petition, the butchers promised, they would desert their stalls. When Philadelphians arrived at High Street Market on the morning of July 16, they found the butchers had followed through on their threat. The council at last debated the issue on the 21st and concluded that abolishing the law would effectively create a butchers’ monopoly, thereby “enablin[g] the victuallers [butchers] to exact most exorbitant prices or at their pleasure totally deprive the community of the most indispensable articles of provisions.” Defeated, the butchers returned to their stalls. The episode, Sean Adams suggests, revealed the growing political power of the “consumer” as well as the emerging opinion that public markets hindered competition and potentially kept prices artificially high.⁶³

More vitally, the incursion of shiners into Philadelphia’s public markets in the summer of 1831 further attenuated the already weakened boundaries of the regulated marketplace. By the late 1850s, Philadelphians complained that shiners had virtually pushed all other legitimate market venders out of High Street Market, which critics used as evidence that the public market houses no longer served any public utility. Hucksters may have emerged in the eighteenth and early nineteenth century as solutions to certain inefficiencies in the public market system by facilitating the circulation of food and other basic necessities. Yet over the course of the antebellum period they pried open the marketplace to include a much wider variety of participants and activities. In several

⁶² *National Gazette and Literary Register*, July 19, 1831.

⁶³ Adams, “How Choice Fueled Panic,” 773-775; *Hazard’s Register*, Aug. 20, 1831; *National Gazette and Literary Register*, Aug. 23, 1831; De Voe, “Public Markets of Philadelphia,” N-YHS.

respects, hucksters played a role in democratizing consumption in the early republic. Their critics, however, argued just the opposite.

III. Disordering the market: social, spatial, economic

Owing largely to their skill in skirting municipal authority, hucksters encountered popular attitudes that wavered between condescension and contempt. It was common in the late eighteenth and early nineteenth centuries to critique huckstering through humor. Satire, as Carla Hesse has shown in the case of Parisian fishwives, served as an instrument for elites to undercut poorer entrepreneurs' claims to economic and social autonomy.⁶⁴ In early republic Baltimore and Philadelphia, mockery of hucksters ranged from gentle to acerbic. On the one side were books like *Amusements for Good Children*, published in Baltimore in 1808. It described a family who, moved to distraction by "the monotony of the Old Woman's crying Golden Pippins from morning to night" outside their home, requested the huckster "move her basket to some other situation." When she pertly rebuffed the entreaty—"like all those kind of people"—a young schoolboy stole and hid her apples.⁶⁵ English pamphleteer William Cobbett, who resided in Philadelphia in the 1790s and published the *Porcupine's Gazette*, was more vitriolic. In a mock will from the 1830s, he wrote: "To the Mayor, Aldermen, and Councils of the City of Philadelphia, I bequeath all the sturdy young hucksters, who infest the market, and who, to maintain their bastards, tax the honest inhabitants many thousand pounds annually."⁶⁶

Identifying hucksters as sexually promiscuous, Cobbett's last point reflected the

⁶⁴ Carla Hesse, *The Other Enlightenment: How French Women Became Modern* (Princeton, NJ: Princeton University Press, 2001), 13-30.

⁶⁵ *Amusements for Good Children, by G. S. C., or, An Exhibition of Comic Pictures, By Bob Sketch* (Baltimore, 1808), 46-47.

⁶⁶ Robert Huish, ed., *Memoirs of the Late William Cobbett, Esq.* (London, 1836), 1:164-165.

shifting frame of debate surrounding hucksters—especially with the rise of a new urban discourse of disorder after 1820. In this context, hucksters’ subversion of the market represented a social and moral danger. Two groups in particular led the way in attacking hucksters as conducting an immoral economy: an increasingly self-defined, urban middle class and retailers who competed with hucksters for space and customers. For different though largely compatible reasons, both cast hucksters as disordering the city and the marketplace—morally, economically, and spatially.

Through the emerging medium of the penny press, middle-class observers portrayed hucksters as promiscuous on several levels: mobile, hypersexual, blatantly disregarding gendered proprieties, and blurring race and class boundaries. In short, hucksters resembled another class of urban residents who circulated through the streets selling goods and services, prostitutes. This was the subtext of an 1829 exposé of nocturnal Philadelphia, where “Hucksters, Factory girls, and the deluded daughters of honest industrious mechanics” frequented dance halls with “Sailors, Raftsmen, Coalmen, and cut down Dandies ... a promiscuous class of females, all huddled together in a mass.”⁶⁷ When York, Pennsylvania, authorities passed a law “forbid[ing] the use of the market house, and of the open space thereabout, to hucksters and others,” a Baltimore newspaper opined that “this reformation was necessary, as that part was rapidly becoming a repository for filth and a rendezvous for vice—a public nuisance and a reproach to the town.”⁶⁸ An 1838 grand jury charge painted a sinister picture of promiscuous circulation that identified various targets for better policing in Philadelphia, including “hordes of beggars—of unlicensed pedlars and hawkers—of prostitutes who nocturnally swarm in

⁶⁷ *Mechanic’s Free Press*, Oct. 17, 1829.

⁶⁸ *Gazette and Daily Advertiser*, Aug. 29, 1829.

some of our frequented streets and public walks.”⁶⁹

Race figured centrally in the assault on hucksters’ reputation, reflecting the fact that Baltimore and Philadelphia were home to antebellum America’s two largest free black populations. Interracial sociability was at all times deemed a threat to the social order and in need of strict policing. An 1806 petition decried the “Disreputable Inhabatants” in the western section of Baltimore’s Hanover Market, which included “from 6 to 8 Lewd women and Black & White and some yellow & as many men of Different Caulers—also fighting & Drunkenness Disturbing the Neighbourhood in the Dead Hour of the Night &c. &c. &c. &c. &c. &c.”⁷⁰ A year earlier, a Philadelphia newspaper opined that High Street Market ought to be cleared of the crowds of “rude and unmannerly” black and white hucksters who subjected respectable pedestrians to “low and vulgar abuse.”⁷¹ It was not simply an issue of racial intermixing, however, for the assembling of groups of African Americans in public was seen as even more dangerous to the social order. According to Joseph Townsend and other Baltimoreans writing to the mayor in 1824, African American hucksters attracted other bad figures to the neighborhood. “[B]y the general introduction of a class of hucksters who occupy the west side of Harrison Street in the sale of old cloathing &c.,” they claimed, “it has become a mere harbour for drunken disorderly persons & crowds of people of color.”⁷² Particularly in slaveholding states like Maryland, the sight of African Americans engaging in a highly visible and almost defiantly independent occupation was, to many observers, absurd and dangerous.

⁶⁹ *Inquirer*, Nov. 10, 1838.

⁷⁰ City Council Records, 1806:206A, BCA.

⁷¹ *Poulson’s American Daily Advertiser*, Aug. 9, 1805.

⁷² Mayor’s Correspondence, 1824:831, BCA.

Fears of social amalgamation blended into frustrations with hucksters' more material amalgamations. Some likened hucksters to alchemists, manipulating not just the price of food but its very quality. Butter, the Baltimore *Sun* wrote in 1839, lent itself to easy adulteration by "woman-pelicans" who "work up ransid butter with their begrimed hands, stamp it, rent the use of a countryman's cart, and vend it for a fresh article."⁷³ The produce and prepared foods that hucksters sold, including pepper-pot soup, peaches, and watermelons, acquired reputations as prone to "vile deception," captured vividly in the sobriquet for watermelons, "cholera bombs." As a soup "composed of all sorts of shreds and patches," with heavy spices serving to mask the potentially off admixtures of vegetables, meat, and seafood, pepperpot's popularity derived in part from its promiscuity. Indeed, Krimmel's 1811 interracial scenes of the pepperpot and oyster dealers were meant to capture this point.⁷⁴ Middle-class commentators were anxious about the increasingly mediated nature of the urban food supply and the hucksters who in their view made it so.

Competing retailers were especially forthright in casting aspersions on the various articles hucksters trafficked in. In 1823, Baltimore grocers called the city council's attention to "the practice prevalent in this city, of hawking about the streets candles on poles or otherwise and imported fruits, such as oranges, lemons, limes &c." Not only did the trade facilitate "most of the petty thefts committed within the limits of the city, by entering houses under the pretext of offering such articles for sale," but also the goods

⁷³ *Sun*, Oct. 18, 1839.

⁷⁴ *Sun*, June 6, 1840 and Aug. 23, 1839; Margaret Dods, *The Cook and Housewife's Manual: A Practical System of Modern Domestic Cookery and Family Management* (London, 1829), 153. To regulate such casual intermixing in the marketplace, Philadelphia authorities prohibited the sale of pepper-pot, oysters, boiled corn, and other comestibles associated with hucksters, "except on market days and in market hours." Ordinance of Jan. 2, 1800, sec. 9, *Ordinances of Philadelphia*.

(like the hucksters) were not as they seemed. “The candles sold in this manner,” they contended, “are generally greatly deficient in weight and more so in quality, so that, although they are nominally cheaper, the poor, who are the principal purchasers of them, are very much injured and defrauded, without remedy, as the sellers are unsettled and unknown.”⁷⁵ A writer in the *Public Ledger* in 1845 averred: “It is far worse to poison a neighborhood by tempting them by low prices to purchase bad provisions, than to commit a petit larceny,” for “to take advantage of the necessities of the poor, or the infirmity of the weak and feeble, by carrying improper food to their doors, at low prices, in turpitude far exceeds the stealing a loaf of bread.” Both the petition and article arrived at the same conclusion: “If the public do not encourage regular dealers who have permanent places of business,” they would be overrun with hucksters and shiners.⁷⁶

Antebellum fluctuations in food prices and availability magnified the significance of claims that hucksters were social outsiders who, like the vulture capitalists of the era, preyed on the economic and personal distress of the industrious but downtrodden. As individuals directly associated with the manipulation of food, price, and availability—“monopolizers [who] endeavor to circumvent the market, and thus speculate upon the poor”—hucksters were human analogues for the speculative spirit of nineteenth-century capitalism, which Americans were forced to wrestle with during the Panic of 1837.⁷⁷ If the Panic of 1819 had temporarily eased restrictions on huckstering in Baltimore and Philadelphia, the deep and drawn-out depression of the late 1830s and early 1840s produced the opposite effect. As Jessica Lepler has recently shown, the Panic of 1837 served as a crucible for American ideas about capitalism. Observers attributed any

⁷⁵ City Council Records, 1823:241, BCA.

⁷⁶ *Public Ledger*, May 27, 1845.

⁷⁷ Arthur Singleton, Esq. [Henry C. Knight], *Letters from the South and West* (Boston, 1824), 27.

number of causes—such as individual moral failings, political brinkmanship, and structural flaws in the global financial system—to the depression, as they searched in vain for someone or something to blame for the “Hard Times” that grounded the nation’s progress to a halt.⁷⁸ Dramatic inflation in food prices, coupled with periodic shortages (despite apparently productive crops), provided the lens through which many urban Americans interpreted the economic catastrophe. Indeed, a spike in flour prices at the beginning of 1837 had instigated the financial collapse in May and, before that, popular unrest that broke out in “flour riots” in New York and set Philadelphia and other cities on edge (Fig. 4.2).⁷⁹

Age-old concerns about forestalling, which had fallen off as a subject of popular debate by the mid-1830s, roared back to life—and indeed assumed new meanings and scale in the late 1830s and early 1840s. “If the growing cupidity of the times is not restrained and checked,” the *Sun* wrote in August 1837, “proper enactments must be looked to as means of protection to the people.” While “Providence fills our stores with plenty,” it continued, “speculation and forestalling are made to counteract the benevolent purposes of him that sent it.”⁸⁰ Another article implied the parallel between hucksters operating in local marketplaces and “a large number of persons prowling about the country, forestalling and purchasing up large quantities of the staff of life, for the purpose of monopolizing the market.”⁸¹ With spiraling rates of unemployment exacerbating rising costs, forestalling was deemed especially egregious for its effects on the poor. In late

⁷⁸ Jessica Lepler, *The Many Panics of 1837: People, Politics, and the Creation of a Transatlantic Financial Crisis* (Cambridge, UK: Cambridge University Press, 2013).

⁷⁹ Sean Wilentz, *Chants Democratic: New York City and the Rise of the American Working Class, 1788-1850* (New York: Oxford University Press, 1984), 294-296; Adams, “How Choice Fueled Panic,” 762-763, 780-782.

⁸⁰ *Sun*, Aug. 23, 1837.

⁸¹ *Sun*, Dec. 1, 1837, Nov. 14, 1837.

1838, a Philadelphia newspaper declared: “All speculation in the necessities of life ought to be forbidden, because it enables the evil to fatten upon the necessities of the poor.” It called on “housekeepers to buy nothing of forestallers, if they can be supplied elsewhere.”⁸² As the depression eased in the mid 1840s, and the Jacksonian politics that had fueled the attacks on monopolies and speculation waned, Americans increasingly came to accept middlemen as an integral part of nineteenth-century capitalism. Yet hucksters remained figuratively and literally out of place in the urban economy, as debates over their use of sidewalks and market stalls show.

The sidewalk became a central site of contest over hucksters and their relationship to the regulated marketplace. Shopkeepers long had laid claim to the sidewalk as an extension of their storefront, pointing to their payment of license fees, property taxes, and rent as justification. In numerous entreaties to the corporation, they sought permission “to offer to the eye of passengers, articles of merchandize intended for sale” on sidewalks, which they claimed was “a custom from time immemorial.”⁸³ In Philadelphia, merchants celebrated the 1824 repeal of the odious “six inch law,” which had prevented them from extending their displays farther than six inches from the building. With the repeal, they could now use the sidewalks “to as great an extent as any of them can desire.” Before the ink had dried on the revised ordinance, however, they were calling for a new ordinance that would “prevent hucksters from occupying the pavements, to the injury of regular traders.”⁸⁴ Indeed, both hucksters and shopkeepers viewed the sidewalk as an arena of commercial activity, whether for advertising wares, loading and unloading shipments of goods, or negotiating transactions—to the chagrin of many pedestrians and authorities,

⁸² *Public Ledger*, Nov. 27, 1838; *Sun*, March 14, 1839.

⁸³ City Council Records, 1821:388, BCA; *Patriot*, Feb. 19, 1817.

⁸⁴ *Aurora*, Sept. 2, 1824.

who wished to keep streets and sidewalks spaces of mobility and openness.⁸⁵

Shopkeepers took pains to differentiate their claims to the sidewalk from those of the hucksters. Like hucksters, shopkeepers benefited greatly from their proximity to public markets. Many of the retailers “who reside in the vicinity of the market houses,” one petition noted in 1824, “depend principally on the custom of attenders of the market for their support.”⁸⁶ Others relied even more directly on public markets, buying produce from market stalls and then reselling it in their stores for profit. The practice was extensive enough for a market clerk to pronounce these shopkeepers “another species of huxters that infest our Markets.” Such perceptions further fueled shopkeepers’ desire to distinguish their “regular” businesses from the “irregular” hucksters by characterizing the latter as a class of rootless and dishonest vagrants. In contrast to the grocers, they wrote, peddlers and hucksters had “little, if any interest in the welfare of the city.”⁸⁷

Class shaped the contours of contests over the sidewalks. Representative of a growing number of middling urban retailers, renters of a dry goods store across from Centre Market objected to “a number of Orange sellers, who fix their stands almost at the entrance of our doors ... much to the inconvenience of our customers and disadvantage to ourselves, by the crowds of boys and other persons who attend them.” They requested an ordinance curtailing “the liberty [the orange venders] take in occupying so public a part of the Street.”⁸⁸ Fruit venders typically were among the poorest hucksters. In a gesture of paternal benevolence, wealthier retailers often gave them written permission to set up

⁸⁵ Dell Upton, “The City as Material Culture,” in *The Art and Mystery of Historical Archaeology: Essays in Honor of James Deetz*, ed. Anne Elizabeth Yentsch and Mary C. Beaudry (Boca Raton: CRC Press, 1992), 56.

⁸⁶ City Council Records, 1824:428, BCA.

⁸⁷ City Council Records, 1816:467, 1824:338, 1823:231, 235, BCA. On the application of vagrancy laws, see Blackmar, *Manhattan for Rent*, 170-172.

⁸⁸ City Council Records, 1824:338, 1826:476, BCA.

stands in front of their stores, which the venders took in person to the mayor.⁸⁹ In 1839, Julian Brown, “a poor but Industrious worthy woman that has a large family to support,” and Mary McCall had letters written on their behalf, the latter’s signed by seven different male storeowners. Dry goods merchant Richard Leeke wrote to the mayor giving permission to Patrick McCaffrey to sell fruit in front of his store, because he had “no other way of making a living but by selling oranges &c. and has a large family.”⁹⁰

Smaller retailers were far less likely to grant permission to fruit hucksters, whom they saw as “undersell[ing] the fair dealer whose family depends solely upon an honorable industry and his close observation of the laws of the country, for a subsistence.”⁹¹ Shopkeepers viewed hucksters’ use of the streets as undermining competition and restricting consumers’ access to the market. “The blockading [of] the sidewalks at the entrances to the different markets,” claimed 91 petitioners in 1846, represented a great “inconvenience to the citizens generally.”⁹² Mary Lebranthwaite, who had opened a millinery shop after her husband’s death, joined 29 property and business owners in criticizing an 1847 ordinance that empowered Baltimore’s mayor to allow poor women to sell homespun wares in the city’s markets without a license, provided their stock in trade did not exceed \$100. To Lebranthwaite and others, the ordinance “greatly injured” those “persons carrying on business in the neighbourhood of the Lexington Market and other markets of this City.” Their property had “been almost rendered worthless for business purposes because persons will not rent” a stall “and pay a fair

⁸⁹ This was established by ordinance in 1797 and reaffirmed in subsequent ordinances. No. 32 (1797), No. 94 (1798), No. 12 (1801), No. 15 (1826), No. 24 (1831), No. 2 (1841), No. 31 (1850), *Ordinances of Baltimore*.

⁹⁰ Mayor’s Correspondence, 1839:361-365, 1830:997, 999-1001, 1006, 1008-1010, 1032, 1832:437, BCA.

⁹¹ City Council Records, 1831:615, BCA.

⁹² City Council Records, 1846:397, BCA.

value for it, when they can obtain places for conducting their business in the public markets without any such expense.”⁹³

A second petition was more calculating in its criticism of the ordinance, invoking the language of public and private property and a contractual interpretation of licenses. It argued that the unlicensed female hucksters obstructed brick footways, “only about 12 feet wide.” Between the hucksters (taking up “2 feet”), the stalls they set up (“3 or 4 feet wide”), and the “8 or 10 customers” who gather around them (another “2 or 3 feet & more”), only a “narrow passage of 2 or 3 feet” remained for pedestrians and their market baskets. On top of this, the “stockings, handkerchiefs, suspenders &c.” that hucksters hung up on awnings “greatly obstruct[ed] the view of the stores on both sides of them,” whose owners “pay high rent for stores near the market for the privilege of selling more during market hours.” These women, by “throwing difficulties in the way of the public,” were “disturbing the peace.” The petitioner did not ask for the repeal of the ordinance, however; instead, he suggested another ordinance be passed requiring the women leave at least three feet between their business and the storefronts.⁹⁴

The city’s response to the two petitions reveals the continuing influence of paternalism in the regulation of street vending, denying the petitioners’ claims on the basis that the ordinance was “a wholesome and humane law, and ought not to be repealed.” Rescinding the law, it reasoned, would compel venders, including “multitudes of females,” to lease “neighbouring stores and bazaars at an expense which they could not endure and which would soon absorb their whole means, or else to abandon their

⁹³ No. 26 (1847), *Ordinances of Baltimore*; City Council Records, 1848:531, BCA.

⁹⁴ City Council Records, 1848:532, BCA. Echoing 1820s contests over street vending, the petitioner claimed that the 1847 ordinance was a “perversion” of the “original purposes for which” the public markets “were intended.”

business altogether.” The city council not did wish “to cut off the privileges which the charity of a former City Council has extended to” huckster women and thus “drive them to utter destitution and the alms house.” Moreover, municipal ordinances were designed with a degree of flexibility in mind: “A friendless woman, with a family of starving children,” should not have to “pay six dollars a year for leave to retail some eight or ten dollars worth of small articles; and any one who should construe those laws differently would be unfit to share in the administration of justice.” The city also dismissed the competition argument, declaring that the ordinance did not cause “serious injury ... to the neighbouring storekeepers by the sale in the markets of the trifles in which these persons usually deal,” as “the customer can choose whether to purchase at the stall or the store.”⁹⁵

IV. Huckster capitalism and the rise of green groceries

It is tempting to view the 1848 exchange as a rehearsal of earlier debates over how to regulate huckstering while promoting it as an alternative to the almshouse. But the episode illustrated not continuity but rather dislocation, as urban residents reconsidered the place of the public market in the urban economy. By the 1840s, rapid residential growth in Baltimore’s outlying neighborhoods outpaced the expansion of the municipal market system. Even ardent supporters of the public markets acknowledged they struggled to accommodate the demand from shoppers and venders. Demand, however, was not evenly distributed across the system. Newer market houses failed to attract customers and suppliers, while long-established marketplaces, like Belair and Lexington markets, swelled beyond capacity, leading petitioners to complain frequently of the “great inconvenience result[ing] from the limited space.” In 1852, one hundred residents

⁹⁵ City Council Records, 1848:724, BCA.

west of Poppleton Street bemoaned the fact that the city invested in the enlargement of Belair, Cross Street, and Richmond markets, while they still faced the “great inconvenience of travelling more than a mile to the Lexington Market.” Nearby Hollins Street Market, they intimated, was but a fifty-foot-long shell of a market.⁹⁶ Despite their expansion, Cross Street and Richmond markets remained unpopular and were targeted by Mayor Samuel Hinks in 1855 as examples of city property that should be sold. “The citizens living adjacent to them will suffer no detriment if they are closed, as the country people do not attend them,” Hinks informed the council. “They are used mostly as lounging places for idlers, and playgrounds for boys.”⁹⁷

More than consumers, producers and venders felt the strain of the system—some because they were unable to secure space in the public markets, others because competing hucksters obstructed their doorways and market stalls. William Young and seventy-one petitioners in 1845 were hardly alone in asking the city council to show “due caution and respect for the convenience” of county farmers, for whom “there [was] not room at present” in Belair Market. Other county residents wrote of “great inconveniences ... on account of the hucksters occupying all the chief stands on both sides of the market house.” As a result, another petition argued, “we are hurled from pillar to post, scattered here and there, and thereby requiring twice the time, it would otherwise occupy, were we all centred in a body to make our sales, and for the purchasers to select their supplies, and speedily return to their particular avocations.” Hucksters and other itinerant venders

⁹⁶ City Council Records, 1848:537, 1852:456, BCA.

⁹⁷ Appendix (Mayor’s Communication), *Ordinances of Baltimore, 1855*, 8. The city did not sell the two markets. The committee to whom Hinks’ report was referred took issue with his suggestion, noting that “the city has been to considerable expense in constructing those edifices, and which was for the convenience of the neighborhood, and not looking to a source of revenue in a direct manner.” City Council Records, 1855:427, BCA.

occupying market stalls, it alleged, constituted a “growing evil, which threatens in time to exclude us entirely, and place us on the bounds of the market.”⁹⁸ The city council deemed it inexpedient to act, citing an 1838 ordinance that had sufficient provisions to police hucksters, if enforced. Despite the council’s directive that police officers and bailiffs “give special attention to all hucksters and pedlars,” itinerant traders continued to occupy stalls in the public markets, a highly visible indication of the market system’s structural limitations.⁹⁹

Butchers unable to secure stalls in the high-traffic market houses took their business to the benches outside the markets, selling bacon and other smoked and cooked meats. In response, the market’s renters invoked the argument that, as “regular” traders, their interests should prevail. Claiming they were “solely influenced by motives of public good,” Centre Market butchers remonstrated in 1844 against the “converting the original intention of the Market House, in[to] that of so many Cook Shops.” Agreeing it was a “great nuisance,” the city prohibited the sale of cooked meats within the marketplace.¹⁰⁰ In 1846, a petition signed by 155 citizens and venders of cooked meats renewed the debate. Noting they had “regularly served an apprenticeship to the business of victuallers of butchers,” the petitioners contended they were “poor and unable to purchase stalls at the exorbitant prices demanded for them.” Moreover, they wrote, “if any among them were able and willing to make such a purchase they could not do so at least in some of the Markets, for the very obvious reason that the stalls are all occupied by those who commenced business years ago.” In response, the city deemed the repeal of the 1844

⁹⁸ City Council Records, 1845:183, 1844:407, 417, 408, 409, BCA.

⁹⁹ Resolution No. 90 (1843), Ordinance No. 30 (1838), *Ordinances of Baltimore*; City Council Records, 1844:696, BCA.

¹⁰⁰ City Council Records, 1844:414, 410, 693, BCA; No. 26 (1844), *Ordinances of Baltimore*.

ordinance a “manifest injustice to the regular licenced Butchers” and declined to act.¹⁰¹

With the possibility of renting a market stall or vending from the pavement foreclosed, many meat and vegetable hucksters opened up small shops throughout the city, termed green groceries.¹⁰² The first sign of an impending sea change in Baltimore’s market system came in 1851, when butcher Marcus Wolf and others complained of traders who sold fresh meat in private shops. Sympathetic to Wolf, the city council agreed “that the practice is calculated to injure Market House property, and the probable injury of private property in some situations.” Nevertheless, it had no “remedy for the supposed evil, being informed that no restriction can be imposed by the City on persons selling under a traders Licence, from selling Fresh Meats in shops or stores, except within the limits of the several Markets bounds.”¹⁰³ Matters had grown dire by 1854, when the spread of huckster meat shops undermined attempts to expand Lexington Market. Reporting adverse to the extension, the committee on markets pointed to “the declining condition of the market accounts” as a result of “the numerous provision stores that have been established in almost every square.” It warned that “unless some action be had or restriction be placed on said establishments, the markets of our city will be destroyed and the revenue thereof lost.” As it was, “butchers are not able to sell enough to pay their expenses, and their meat spoils on their hands.”¹⁰⁴ To resolve the problem, delegate Stirling Thomas, a butcher by trade, proposed a state law granting the city council power

¹⁰¹ City Council Records, 1846: 399, 609, 400, BCA. Some licensed butchers supported the itinerant meat venders and asked the city council to judge in their favor, but to no avail.

¹⁰² “Green grocery” was an English term for private stores selling fresh meat or vegetables. Few descriptions exist, but they were generally small, ephemeral, and located in working-class neighborhoods. Junius Henri Browne, *The Great Metropolis: A Mirror of New York* (Hartford, CT, 1869), 140; *North American*, May 17, 1843.

¹⁰³ City Council Records, 1851:645, BCA.

¹⁰⁴ *Journal of the First Branch of the City Council of Baltimore, 1854* (Baltimore, 1854), 483; *Sun*, April 13, 1854.

to restrict the sale of fresh meats to public markets, which was passed in 1856.¹⁰⁵

The law immediately touched off a debate about free trade, public convenience, and the need for economic regulations. Coming out against the law as “an invasion of individual rights not guaranteed by the constitution,” the *American* viewed its passage by the city council as unlikely, if for no other reason than the controversy it immediately raised.¹⁰⁶ The act, the *Sun* noted, “caused quite a commotion in various sections of the city,” pitting green grocers and butchers against one another. Consumers were split. The *Sun* wrote that “a large number of citizens” had called on the city councils not to bar the “‘private market houses’ ... which are represented to be of great convenience to the public who reside at a great distance from the city markets.”¹⁰⁷ Thousands of others lent their signatures to petitions decrying green grocers. The majority, however, likely shared the ambivalence and frustration articulated by a letter published in the *American* at the outset of the controversy. “Both [green grocers and butchers] talk solely for the public good,” the author observed, “and the public beginning to believe most that each says against the other, begs leave to submit most humbly that it has more at stake in the settlement of the question than both these classes put together.” Ultimately, the author concluded, “the public hopes that the City Council, unbiased by favor, undeterred by fear, will see clearly through the cloud raised to obscure the vision.”¹⁰⁸

The contest over the green grocery question demonstrated the continuing power of petitions in the civic economy but also pointed to the importance of newspapers and

¹⁰⁵ Ch. 333 (1856), *Session Laws of Maryland; Journal of Proceedings of the House of Delegates*, 1854: 556, 561, 1856: 667.

¹⁰⁶ *American and Commercial Advertiser*, April 14, April 9, 1856. “Justicia” took issue with the *American*’s “invasion” claim, calling it “an unwarrantable attempt to prejudice the question in the minds of the members of the Council.” *American and Commercial Advertiser*, April 15, 1856.

¹⁰⁷ *Sun*, March 13, 1856.

¹⁰⁸ *American and Commercial Advertiser*, March 19, 1856.

other public forums of debate. Between 1856 and 1860, dozens of petitions circulated for and against the green groceries, sent to the city council and state legislature. A March 1856 memorial signed by at least 1,433 men and women deplored the “selfishness of such a movement on the parts of the butchers of Baltimore” and asked that the “honest and enterprising” green grocers’ “great public conveniences may be continued, because of the accommodations they afford to the neighborhood in which they are established.” Organized by ward, the signatures represented a cross-section of society, from John Work Garrett (soon-to-be president of the Baltimore & Ohio Railroad) and Baltimore Street merchants to laborers and German immigrants in outlying neighborhoods.¹⁰⁹ Another petition, taken up in response to the above memorial, contained 1,250 signatures and urged the city council to protect public markets from “disadvantageous competition with ... a class of hucksters.”¹¹⁰ Printed rather than handwritten, the petitions intended to sway the city council less with arguments, which were terse and boilerplate, than with sheer amplitude of signatures. Debates of the issues themselves spilled into other arenas. On April 16, 1854, for instance, the Murray Institute invited the public to attend an evening discussion of the question, “Should the City Council impose the proposed restrictions on the Green Grocery Traffick?” Proponents of the butchers and green grocers likewise convened large public meetings to discuss the issues and gave speeches to the city council.¹¹¹

The most vigorous debates transpired in the columns of the *Sun* and *American* and

¹⁰⁹ City Council Records, 1856:377-382, BCA. The *Sun* also observed that “the remonstrances and opposition to the act appear to be general among all classes of the community.” *Sun*, March 29, 1856.

¹¹⁰ City Council Records, 1856:388, 383-387, 389-396, BCA. Because the city council referred back to these and other petitions many times in the late 1850s, the petitions moved around a lot and many of them likely were misplaced. Thus the number of signatures described above represents only a portion of the total.

¹¹¹ *Sun*, April 16, 1856.

cast into sharp relief the shifting contours of civic economy in the late-antebellum city. Green grocers built their case on two points, freedom of trade and public convenience. Seeing how swiftly lawmakers had dismantled the product inspection system in the late 1840s and 1850s, green grocers and their supporters recognized that the free trade argument carried significant power in the city council and state legislature. “A great bill has been passed by the legislature,” “One Who Knows” quipped, “to take from the people of Baltimore the right to buy their meat where they please. I hope the next legislature will not compel them to buy all their dry goods from a few big dealers on German or Baltimore streets.” According to “One Who Knows,” the municipal market system was an “odious” form of monopoly that benefited butchers alone and that would not be permitted in any other trade.¹¹² In May 1859, “Equal Rights” offered a more staid plea for the city council to “not adopt a measure of oppression upon one class for the benefit of another.” The next evening, green grocers met to draft resolutions defining the “effort to close our establishments” as “a violation of personal rights, prompted by a wealthy class of butchers, who, when they get the whole trade into their hands, will show to the people that all their demands must be satisfied, however exorbitant.”¹¹³

While they had support among elite merchants, provision dealers fashioned themselves as working-class upstarts seeking to unseat the aristocracy of “gentlemen butchers.”¹¹⁴ Indeed, they did little to deny the butchers’ claims that they were hucksters. Green grocers like “One Who Knows” readily acknowledged they bought meat from the same butchers who criticized them in order to sell it for a profit: “He purchases the best

¹¹² *Sun*, March 22, 1856. The pseudonym also carried the implication that green grocers, as former butchers themselves, were best positioned to shed light on the dangers of public market monopolies.

¹¹³ *Sun*, May 20, May 21, 1859.

¹¹⁴ *Sun*, March 19, 1856. In the spirit of competition, the dealers invited butchers to follow through on threats to open stores of their own: “We say we welcome all.”

Meats only, and from the best butchers—and sells at prices with which the public are satisfied.” As for vegetables, they “purchased [them] very early in the public markets before they have been exposed for hours to the hot sun.” In denouncing the monopoly of butchers, they commiserated with working-class consumers: “How many poor families have found on Sunday morning that meats bought on Saturday night in the public markets for good were positively stinking?” What distinguished them from itinerant hucksters was the fact that they operated from storefronts and paid rent and taxes, thus eluding the charge that they were “irregular” dealers not enmeshed in the community.¹¹⁵

Like all hucksters, green grocers argued they promoted the convenience of laboring households. “Equal Rights” wrote that green grocers purchased “only the best parts” of meat in recognition of the fact that to do otherwise “would at once destroy their business and drive the people, contrary to their own convenience, to the markets, however remotely located.”¹¹⁶ Claiming the mantle of the public good, the 1859 meeting of provision dealers argued that “the necessities of the city required the establishment of places other than the public markets for the sale of fresh meats and vegetables, for the convenience of a large class of the people, especially those residing in the suburban wards.” An Annapolis critic of the “green grocery bill” described it as an act “to compel poor people to go to the markets, no matter how far the distance, or bad the weather.”¹¹⁷ Given the importance of gender in the debates over market hours a few years earlier, it is noteworthy that none of the green grocers (nor their opponents) explicitly defended the convenience of female shoppers. Undoubtedly, many women charged with the labor of

¹¹⁵ *Sun*, March 22, 1856. “Equal Rights” noted that provision stores paid twice the amount for their state-issued licenses as butchers as well as paying taxes into the city treasury. *Sun*, May 20, 1859.

¹¹⁶ *Sun*, May 20, 1859.

¹¹⁷ *Sun*, May 21, 1859, Feb. 18, 1860.

buying for the household found provision shops to be a more efficient use of their time, and they may even have patronized one of several women green grocers, such as Sarah Binyon and Letitia Naylor in Fells Point, Mary Camper in Old Town, Eliza Duncan near Exchange Place, Rosella Evans in Mt. Vernon, and Antonia Young in the western neighborhood of Poppleton.¹¹⁸

In addition to being located in primarily working-class neighborhoods, such as those sprouting up in the southwestern part of the city around Mt. Clare and Camden stations, green grocers enabled poorer customers to buy their provisions “piece by piece.” This, after all, had been one of the principal benefits of hucksters. Mindful of the inadequacy of food storage facilities in working-class homes, “One Who Knows” championed the provision dealers’ use of iceboxes to store their meats—“instead of hanging in a dusty, hot, public market house, with thousands of flies on it.”¹¹⁹ City councilmen in favor of the green groceries argued that the proposed ordinance “was detrimental to the masses, and oppressive upon the working man. Let this bill pass [and] the day of retribution will come, and it will be a fearful one.” The ominous statement reflected city leaders’ growing anxieties about a class divide that, from their point of view, was sharpening in the midst of heightened food prices, unemployment, and labor unrest in the late 1850s.¹²⁰

In contrast to green grocers, who relied principally on petitioning and public meetings, butchers and their supporters heavily used the newspapers to advance their

¹¹⁸ There was also at least one African-American green grocer, Jones Burley, whose store was at 158 North Charles Street. *Matchett’s Directory for 1858-59* (Baltimore, 1859).

¹¹⁹ *Sun*, March 22, March 25, 1856.

¹²⁰ *Sun*, May 13, 1859. For an examination of deepening class conflict and its expression through racial violence in late-antebellum Baltimore, see Frank Towers, “Job Busting at Baltimore Shipyards: Racial Violence in the Civil War-Era South,” *Journal of Southern History* 66, no. 2 (May 2000): 221-256.

cause. Writing under pseudonyms like “Public Good,” “Public Health,” “The People,” and “Justice,” their criticisms of green grocers borrowed directly from the arguments long used against hucksters. The most common allegation leveled against the hucksters-cum-grocers was that they defrauded their customers. Former butchers who had opened provision shops like “One Who Knows,” one author claimed, likely “was of an inferior sort, or if skillful, either improvident or unreliable in his dealings, else he would not have abandoned his regular avocation for another, invariably regarded as an innovation unworthy of the craft.” Provision shops were “better adapted to their imperfections and their style of ‘serving the public’”—selling the meat of “cattle which would not be admitted to the slaughter-yards of respectable butchers” at a premium.¹²¹ Others also intimated that the green grocers were fallen butchers, unable to compete in the open marketplace, pointing to the “great many stalls” that remained unoccupied as proof that it was not for lack of space that they had quit the trade.¹²²

Far from monopolies that impeded the freedom of trade, “The People” argued, public markets were “admirably adapted to the wants of a large class of small traders [and] effectually distribut[ing] the advantages of the fresh provision traffick to so large a number of individuals.” Green grocers, instead of being the friends of the laboring classes, would expand and displace “the hundreds of poor persons who now follow the markets with small stocks of market house commodities.”¹²³ Public markets facilitated competition and consumer choice. Viewing the market house system as “the best and most proper ever devised by man,” an old resident of the city asked: “By those commodities being concentrated at one point, does it not follow that the consumer has a

¹²¹ *Sun*, March 24, March 26, 1856.

¹²² *American and Commercial Advertiser*, April 30, 1856.

¹²³ *Sun*, April 5, 1856.

choice for selection as to quality and price not so to be had when scattered over a large city?”¹²⁴ In private provision shops, meanwhile, “ancient meats and withered vegetables become, from lack of contrast, quite respectable in quality, and saleable because the purchaser has no alternative.”¹²⁵ By contrast, market houses abounded in alternatives. Elevating selection above access, supporters of public markets conceived of consumer choice in a fundamentally different way from those of provision shops.

A decentralized marketplace affected the ability of not just consumers but also health officials to inspect commodities and the spaces in which they were stored and sold. Public market supporters boasted that Baltimore had been “a less abundant harvest field for death than in any of her sister cities,” attributing the fact to the city’s markets—“neither too many in number, nor too extensive in space.”¹²⁶ Another writer took his *nom de plume*, “Yellow Fever,” from the epidemic that had ravaged Norfolk a few months earlier, which many attributed to “exhalations and poisonous gasses arising from vegetable and animal decomposition.” He averred that “the market house system is perhaps the least objectionable on the score of public health of any that could be adopted,” because they were airy structures and underwent daily ablutions. Most importantly, the market houses were “occupied but a small portion of the time for actual trade, and never as places for storing from day to day, meats and vegetables in every stage of decay.”¹²⁷ “A Summer Resident” reminded Baltimore’s laboring families that “the wealthy citizen [could] remove himself from danger” should the “experiment” with green grocers lead to an epidemic of yellow fever or cholera, but most could not. The “thick settled, squallid

¹²⁴ *Sun*, April 1, March 26, 1856.

¹²⁵ *Sun*, March 22, 1856.

¹²⁶ *Sun*, March 19, 1856.

¹²⁷ *Sun*, March 22, 1856; *Report of the Philadelphia Committee, Appointed to Collect Funds for the Sufferers by Yellow Fever, at Norfolk & Portsmouth, Va., 1855* (Philadelphia, 1856), 32.

portions of the town ‘green grocers’ flourish” would suffer most.¹²⁸ Public market supporters played on consumers’ fears of fraud and disease and the sense among many late-antebellum urban residents that the retailing of food was fraught with danger.

In their newspaper appeals, butchers and their advocates described a grim and begrimed landscape that would result from the displacement of public markets from urban political economy and the rise of an unregulated huckster capitalism. The spread of green grocers would not yield until public markets were entirely vanquished and every block “from the lower end of Canton ... to Mount Vernon Place, and from thence to Franklin Square, and all other rich and poor localities,” contained two or more provision shops.¹²⁹ The “nauseous traffick” would convert the city into “a vast slaughter house,” depreciating property values everywhere. No one knew how many provision shops operated in the city, but “Justice” offered the dubious estimate of 1,500 to 2,000, more than two-thirds of which had opened in the previous six months. City directories suggested a number about one-tenth of that, though smaller and ephemeral shops may have avoided enumeration. A more official but still imprecise estimate made by city police officers put the figure at “several hundred” in May 1859. Like itinerant hucksters, green grocers blended into the commercial landscape and proved difficult to categorize.¹³⁰

Was all of this—the disease, the fraud, and the assured demise of public markets and the revenue they provided to the city and countless businesses—worth the

¹²⁸ *Sun*, April 3, March 19, 1856.

¹²⁹ *Sun*, April 1, 1856.

¹³⁰ *Sun*, March 22, 1856, May 18, 1859; *American and Commercial Advertiser*, April 30, 1856; *Matchett’s Directory for 1858-59*. The directory listed at least 121 men and women, whose occupations varied quite a bit—most common was “provision dealer,” followed by “provision store” and “green grocer,” with various permutations. My estimate does not include at least 22 self-identified provision “brokers” or “merchants,” who may have also operated retail outlets but more likely focused on large-scale wholesaling.

convenience of green grocers, critics asked? Few disagreed that the neighborhood provision shops were a convenience, but it was “dearly paid for,” financially and otherwise.¹³¹ The municipal corporation’s commitment to public health trumped all other considerations, particularly those of public convenience, “Yellow Fever” wrote: “There are some conveniences, the enjoyment of which every wise citizen should forbear.” “A Summer Resident” concluded that “the *mere convenience* of the citizen should be made to yield to the paramount consideration of the health of all and the general enjoyment.”¹³² Others wondered whether an emphasis on convenience indicated something about consumers themselves. Insisting that there were “market houses sufficient and convenient to all parts of the city,” “Justice” recalled a time “when people were not too lazy to walk a square or two to the market.” Such reminiscences elided the role that hucksters long had performed in the urban economy, one that green grocers were literally building upon.¹³³

In the end, city officials, and it appears most Baltimoreans, disagreed with the butchers’ separation of the concepts of the public good and convenience. The city council returned to the question of green grocers every year between 1856 and 1859, declining each time to enact the state act of 1856. Following a final flurry of petitions with several thousand more signatures, the second branch of the city council overrode the first branch and voted down the proposal law: “We believe said act, if approved, would be very oppressive and prejudicial to the interest of a large class of our fellow-citizens.”¹³⁴ In addition to a report from the city counselor that suggested that the courts would overturn any such law restricting the sale of meats outside public markets, the board of health

¹³¹ *Sun*, April 1, 1856.

¹³² *Sun*, March 22, April 3, 1856.

¹³³ *American and Commercial Advertiser*, April 30, 1856; *Sun*, April 3, 1856.

¹³⁴ *Journal of Proceedings of the First Branch, 1858-59* (Baltimore, 1859), 713, 624, 670; *Sun*, May 28, 1859.

questioned the public health arguments leveled against the green groceries: “Such establishments are not *necessarily* injurious to the public health but in the hands of careless or dishonest proprietors or salesmen, they become so.”¹³⁵

When the state legislature proposed another bill to prohibit green grocers in early 1860, the city council acted more resolutely than four years earlier. The first branch voted to submit resolutions denouncing the bill to Annapolis: “The public sentiment of the city of Baltimore is known to be almost universally opposed to such an arbitrary enactment.” Petitions with several thousand more signatures made their way to the state capital. A delegation of butchers remained in Annapolis for most of the session, but to no avail. The legislature voted overwhelmingly against the bill, and the legitimacy of green grocers was confirmed.¹³⁶ In less than a decade, a few hundred hucksters had transformed Baltimore’s commercial landscape. In decentering the public market and confirming the power of property to legitimate huckstering, the rise of green groceries further marginalized the poorest hucksters who were unable to rent their own stores. Meanwhile, the huckster capitalism of green groceries did not retain its radical edge for long; as occupants of property, green grocers would join their former antagonists in advancing the interests of propertied retailers in the civic economy.

Conclusion: The unbounded marketplace

As the city itself evolved into a bazaar, lawmakers endeavored to reassert the “limits of the market.” When the city rebuilt Belair Market in 1853, it established a temporary market house with a long furrow and granite stones designating its borders.

¹³⁵ City Council Records, 1859:428, 733, BCA; *Journal of First Branch*, 1858-59, 669; *Sun*, May 27, 1859.

¹³⁶ *Journal of First Branch*, 1859-1860, 130, 144; *Journal of the Proceedings of the House of Delegates*, January Session, 1860 (Annapolis, 1860), 113, 170-171, 637, 787 *Sun*, Feb. 1, March 8, March 10, 1860.

The site of the old market house, now empty, became a meeting place for hucksters swapping information about prices, commodities, farmers, and clerks. In setting up an independent marketplace, hucksters may have viewed themselves as continuing a tradition that dated back in America to the seventeenth and eighteenth centuries, when venders, farmers, and buyers convened in “tavern yards” and alongside country roads before the arrival of permanent market houses.

After one huckster fell into a hole during market hours and injured himself, he brought a suit against the city for negligence. The city register contended that, as the lot was a construction site, the hucksters had “no business there,” because it “was not an authorized market place.” He concluded with an assertion that, while simple at first glance, harbored a complex set of meanings: “When the old house was taken down, it ceased to be a market place.”¹³⁷ The claim seemed especially anachronistic in light of the transformations occurring in the city’s market geography by the mid-1850s, on display in the march of green groceries across the landscape. To believe the register’s statement required having a much narrower definition of “a market place” than most late-antebellum urban residents and, as will be seen in the final chapter, most authorities, as well.

¹³⁷ *Mayor et. al. v. Brannan* (1853), 14 Md. 227. No. 16 and Resolution 246 (1853), *Ordinances of Baltimore*.



Fig. 4.1. John Lewis Krimmel, *Pepper-Pot: A Scene in the Philadelphia Market*, ca. 1811. A portrait of the casual intermixing, by race, gender, age, and class, that characterized public markets and huckstering, in particular. The Metropolitan Museum of Art, Artstor.

Chapter Five: A Modern Civic Circulatory System

On March 3, 1851, an “immense mass” gathered on Baltimore Street to welcome Centre Market’s rebirth as the Maryland Institute Hall. Surrounded by Mayor J. Hanson T. Jerome, city councilmen, and dozens of dignitaries, the Institute’s founder, John H. B. Latrobe, laid the cornerstone for the hulking, arcaded structure that housed market stalls, two clock towers, offices, a lending library, and classrooms for the use of “Manufacturers, Artizans, and all persons friendly to the Mechanic Arts.” Its fully enclosed design would allow buyers and sellers to transact free from inclement weather as well as enable the market master to seal off the stalls during non-market hours. It also contained one of the largest lecture halls in the East, comfortably accommodating 6,000, and would host the Democratic national convention in 1852 and the Whig conventions in 1852 and 1856. The new market hall confirmed Baltimore Street’s status as the preeminent commercial thoroughfare in addition to promoting the city’s stature in national political culture. A local composer marked the occasion by selling sheet music for his new score, “Maryland Institute Schottisch” (Fig. 5.1).¹

The Maryland Institute’s aesthetic and civic influence spread beyond the immediate neighborhood. Its Italianate façade inaugurated an architectural movement in the city that lasted to the end of the century.² The building took its ambitious design from Boston’s granite-clad Faneuil Hall Market, which had initiated a move towards expensive, multi-use market halls when it was finished in 1826. Despite the range of new utilities, its

¹ *Sun*, March 3, 1851, May 14, 1851; *Charter, Constitution, and By-Laws of the Maryland Institute for the Promotion of the Mechanic Arts* (Baltimore, 1852), 5.

² Mary Ellen Hayward and Frank R. Shivers, Jr., eds., *The Architecture of Baltimore: An Illustrated History* (Baltimore: Johns Hopkins University Press, 2004), 135-137.

designers intended it to remain the city's premier marketplace. In addition to paying the costs of construction, the Institute promised the city that the enclosed edifice would "not diminish the market room or interfere in any way with the shambles, will beautify that section of the city, render the market house more comfortable to those who occupy the stalls, as well as those who visit the same at inclement seasons." Baltimoreans of various quarters immediately hailed the "Institute Market," as it came to be known, as "an indispensable agent of the public convenience."³

With a dual emphasis on intellectual uplift and commodious spaces, the Institute Market represented an effort to bring the public market in line with emerging liberal visions of the city. There had been similar attempts in Philadelphia, most notably the failed William Penn Market in the late 1830s, which was to be equipped with a reading library and a museum for fossils found by farmers. The enclosed design of both market houses, along with their ornate façades, had a sanitary as well as moral objective. Separating the market from the street aimed to improve both spaces: animal and vegetable matter would not leach out of the market, while unruliness and commotion would not seep in from the streets. The Institute Market would "beautify that section of the city," while the William Penn Market sought to redeem its neighborhood by "remov[ing] and scattering" a block of "miserable buildings ... inhabited by a wretched population."⁴ Organized around a series of quads rather than long rows of stalls, the new market houses would also facilitate policing by creating vantages where authorities could

³ City Council Records, 1850:422, BCA; *Sun*, July 14, 1852; No. 43 (1850), *Ordinances of Baltimore*; Tangires, *Public Markets*, 40-42. The city considered a similar proposal in 1853 for the Baltimore Institution for Mental, Moral and Social Improvement to construct a "spacious hall" on the second floor of Hanover Market, but the bill was tabled. City Council Records, 1853:880, BCA.

⁴ City Council Records, 1850:422, BCA; *JCSP*, 1836: 130-131, 135, 141-142; *Public Ledger*, Dec. 19, 1836.

survey the entire scene at once. Finally, by incorporating new amenities, widening walkways, and offering a cleaner shopping experience, the enclosed market halls catered to consumers who had more exacting definitions of convenience than previous generations of marketers.

As shown in the previous chapter, the opening of the Institute Market coincided with the inception of green groceries and private food retailing in Baltimore. While the two developments appear to run contrary to one another, they in fact represented two sides of the same coin: the anchoring of liberalism in the urban built environment. It has been seen already how regulation, particularly in the case of licensing, reinforced the notion of contract at the heart of nineteenth-century liberalism. Returning to the public market and the streets surrounding it, this chapter examines another element of antebellum liberal discourse, freedom of movement. An 1844 editorial, “The Sanctity of Private Right,” captured this element. It began with the cumbersome observation that Americans suffered “not in too much government, but in too much in the wrong way, and too little in the right way.” Cities especially “suffered.” Drawing attention to inspection laws and public markets, the editorialist argued that attempts to regulate the market did more harm than good; they were “remnants of barbarous ages, when a primary object of governors was revenue, and their principal means extortion.” Let anyone “open a market house any where,” and “provisions will be abundant and as good, and cheaper.”⁵

Yet there was an exception in the editorialist’s argument for hands-off governance: the public highway. It was the responsibility of government to prevent merchants from leaving bales of cotton on the sidewalk, householders from dumping out

⁵ *Public Ledger*, May 9, 1844. On inspection laws, the author wrote: “If flour is bought by the buyer’s judgment, and not the inspector’s brand, millers will be quite as cautious in grinding, and buyers more careful in selecting.”

their washing water into the street, and any other individuals from hindering the free passage of pedestrians.⁶ In the 1840s and 1850s, city leaders increasingly agreed that circulation was the principal aim of urban governance. They set in motion the dramatic but irregular expansion of infrastructure and services, taking “risky stances against tradition, inertia, and the municipal budget.”⁷ The liberal city was borne of an extension of what one scholar has termed “infrastructural power,” or “the capacity of the state actually to penetrate civil society, and to implement logistically political decisions throughout the realm.” Similarly, Patrick Joyce writes that the liberal city involved the “material embedding of power.”⁸ Missing from the expansion of municipal services and infrastructure, however, was the public market. Over the same two decades, the future of the public market—as an economic hub if not a symbolic one—became more and more uncertain in Baltimore and Philadelphia. There were many reasons for this, but this chapter investigates one in particular. While the people long had treated the public market as an extension of the street, liberalism entailed a separation of these two spaces. In the liberal city, the public market was antithetical, even adversarial, to the project of making streets a space of free circulation.

I. Governing scale: people, information, and services

⁶ *Public Ledger*, May 9, 1844.

⁷ Eric Monkkonen, *America Becomes Urban: The Development of U.S. Cities & Towns, 1780-1980* (Berkeley: University of California Press, 1988), 93.

⁸ Michael Mann, “The Autonomous Power of the State: Its Origins, Mechanisms and Results,” in *States in History*, ed. John A. Hall (Oxford: Blackwell, 1986), 113; Patrick Joyce, *The Rule of Freedom: Liberalism and the Modern City* (London: Verso, 2003), 184. By focusing on the liberal construction of urban space, it is possible to view the rise of liberalism as something other than a foreordained conclusion. As James Vernon has noted, British political history has tended not only to follow the development of the liberal state, but made its ascension seem so inevitable that it became the only narrative, a critique that could be leveled against many studies of American liberal development, as well. James Vernon, *Politics and the People: A Study in English Political Culture, c. 1815-1867* (Cambridge: Cambridge University Press, 1993); Vernon, ed., *Re-Reading the Constitution: New Narratives in the Political History of England’s Long Nineteenth Century* (Cambridge: Cambridge University Press, 1996).

In his annual mayor's address to Philadelphia's city council in 1858, Democrat Richard Vaux characterized "the government of a large City" as a complex machine composed of many parts that did not always operate "in harmonious action." His 105-page address—itsself a testament to the intricacy of the municipal mechanism—aimed to parry criticism from Whigs who decried the mayor's lack of financial austerity during the Panic of 1857. Vaux argued that the complexity of urban governance justified the corporation's rapidly accumulating expenses. His address pointed repeatedly to the challenges attending the 1854 act of consolidation, which added over 300,000 residents and 127 square miles from outlying districts to the two-square-mile corporation of Philadelphia. Centralizing administration was one of the biggest complications, epitomized (in Vaux's mind) by the irregularity of reports from the numerous departments: "These reports are now difficult to find—made at different periods, not collected in a volume, and thus rendered of comparatively little use." Officials complained regularly of the "utterly obsolete" and "dissimilar" ordinances that had been carried over from the numerous districts, despite the efforts of the Municipal Department to regularize the law.⁹

More than a matter of bureaucratic modernization, however, consolidation forced

⁹ Appendix No. 79 (Mayor's Message), *Journal of the Common Council of Philadelphia, 1857-1858* (Philadelphia, 1858), 475, 479, 573 (hereafter *JCCP*). Historians have debated the forces behind consolidation, emphasizing alternately the upsurge in popular violence and need for police reform, commercial and civic rivalry with New York, contests over fiscal authority between state and local government, and the rise of machine politics. See Sam Bass Warner, *The Private City: Philadelphia in Three Periods of Its Growth* (Philadelphia: University of Pennsylvania Press, 1968); Andrew D. Heath, "'The Manifest Destiny of Philadelphia': Imperialism, Republicanism, and the Remaking of a City and Its People, 1837-1877" (PhD diss., University of Pennsylvania, 2008); Michael P. McCarthy, "The Philadelphia Consolidation of 1854: A Reappraisal," *Pennsylvania Magazine of History and Biography* 110, no. 4 (Oct. 1986): 531-548; Howard Gillette, "The Emergence of the Modern Metropolis: Philadelphia in the Age of Its Consolidation," in *The Divided Metropolis: Social and Spatial Dimensions of Philadelphia, 1800-1975*, eds. William W. Cutler, III, and Gillette (Wesport, CT: Greenwood Press, 1980), 3-25; Russel F. Weigley, "'A Peaceful City': Public Order in Philadelphia from Consolidation through the Civil War," in *The Peoples of Philadelphia: A History of Ethnic Groups and Lower-Class Life, 1740-1940*, eds. Allen F. Davis and Mark H. Haller (Philadelphia: Temple University Press, 1973), 155-173.

Philadelphia's leaders to confront—or rather identify—a problem of scale. As scholars have demonstrated, urban authorities throughout the country pointed to the challenges of urban growth in justifying the reform and expansion of municipal government by the 1840s and 1850s. In addition to Philadelphia, which witnessed its population triple from 1800 to 1853 (41,220 to roughly 125,000), Baltimore's population increased nine times over in the same period (26,514 to about 190,000) as the city expanded to twelve and a half square miles. Urban growth was also qualitative, with the population and built environment both increasingly diverse.¹⁰ In the eyes of authorities, managing the movement of people and goods through the metropolis mandated new technologies of regulation. Concerns about scale focused on three questions: how to facilitate the orderly circulation of people through the streets, how to ensure the universal and uniform application of the law, and how to promote access to a widening range (and geographic scope) of municipal services.

To antebellum observers, the streetscape served as a barometer of the city's vitality as well as the capability of its authorities to create order from that vitality. Nowhere was this truer than in Philadelphia, where the geometric arrangement (a rectangular grid) and aesthetic features of the streets were a source of civic identification and William Penn's legacy. The street grid, Dell Upton argues, served as the primary instrument of an "intellectual program" that sought "to subdue the environment, creating a landscape that would embody republican values and that would promote republican modes of citizenship and selfhood." In this "republican spatial imagination," the well-choreographed movement of pedestrians, commodities, and vehicles attested to the city's

¹⁰ Joseph L. Arnold, "Suburban Growth and Municipal Annexation in Baltimore, 1745-1918," *Maryland Historical Magazine* 73, no. 2 (June 1978): 110-117; Carole Shammas, "The Space Problem in Early United States Cities," *William & Mary Quarterly* 3rd ser., vol. 57, no. 3 (Jul. 2000): 505-542.

commercial and social progress. Yet this spatial-social order was tenuous and in need of constant supervision and maintenance: the formation of obstructions, bottlenecks, dead-end streets, and darkened alleys facilitated the miasmic spread of vice and immorality.¹¹ More pressing was the fact that disordered streets halted the traffic of commerce and threatened to choke off the city's economic development. Indeed, as seen in the case of inspection, the increased swiftness of intercity, interregional, and international trade only highlighted the lack of speed and ease with which people and goods circulated through the antebellum city.¹²

Particularly troublesome were the increasing numbers of vehicles and animals that clogged city streets. Authorities attempted with mixed success to regulate parked private vehicles through the license system, but it was the issue of animals—and in particular cattle—that was most problematic.¹³ Urban residents long had inveighed against cattle markets “before their Doors.” Petitioners in 1817 decried “the filth occasioned by [cows] standing nearly all day,” the noise, and especially the obstructions. In 1832, occupants of Concord and Hawk streets requested the city council to alleviate “a very great nuisance” that resulted from the belief among cattle drivers that “this place is set apart for a cow market by the City Authorities.” Twice a week, when “large droves of cattle” were driven into the streets and “exposed for sale,” women and children were forced to “pass in those streets unprotected, to and from the markets.” Because it was not a sanctioned cattle market, there was no clerk to whom residents could complain. An 1845 petition reiterated

¹¹ Dell Upton, *Another City: Urban Life and Urban Spaces in the New American Republic* (New Haven: Yale University Press, 2008), 137.

¹² Allan Pred, *Urban Growth and City-Systems in the United States, 1840-1860* (Cambridge, MA: MIT Press, 1980).

¹³ For an extensive opinion of the city counselor in relation to the municipal corporation's power to regulate parked vehicles as nuisances (in which he declares they can be classified as such in certain circumstances, citing a recent English case), see City Council Records, 1839:847, BCA.

many of these objections, noting that between eight o'clock and noon "the streets and side walks are almost entirely obstructed," with women "having to take refuge in some of the adjoining houses, and on several occasions ... individuals [were] knocked down and gored." The 75 signatories claimed it was not only a "great inconvenience" but also a "direct violation of their rights as citizens and property holders." Fayette Street residents were exasperated in 1852 of the "great public nuisance" that had led to some of their carriages being "broken before their own premises." The city council expressed sympathy in virtually all cases, but it deferred action "in view of the commons of the city and the rights of other citizens" to the use of the streets.¹⁴

Urban growth also exacerbated the municipal corporation's ongoing struggle to circulate timely, complete, and accurate information to the public and between government agencies. One historian has characterized intracity communication as "chaotic" in the early nineteenth-century: "Even sending a simple message across New York City could take longer than communicating with another city."¹⁵ The consequences of this for regulation were myriad and predictable. Few residents had immediate access to the annually printed compendium of ordinances, which was published in small runs of no more than a few hundred.¹⁶ The time and concentration required in combing through the swelling tomes—multivolume by the 1850s—likewise acted as a barrier to general access to the law, as did uneven rates of literacy. Digests were specialized publications for the use of city and state lawmakers, for lawyers and judges to reference, and for mayors to

¹⁴ City Council Records, 1817:242, 1832:389, 1845:224, 1852:363, 1850:791, BCA.

¹⁵ Monkkonen, *America Becomes Urban*, 109. See also Seymour J. Mandelbaum, *Boss Tweed's New York* (New York: John Wiley & Sons, 1965), 7-26.

¹⁶ *Public Ledger*, May 13, 1840. Philadelphia's common council authorized the sale of 300 copies (at \$3 per copy) in 1841, presenting nearby districts and towns, major out-of-state cities, and local societies and libraries with free copies. *North American*, Nov. 26, 1841.

exchange with one another as tokens of respect and instruction. It seems that most agents of the law, such as market clerks, inspectors, and watchmen, did not receive copies of the digest, shared one, or acquired abridged versions.¹⁷ Frequent complaints of city councils about insufficient enforcement may be attributed in part to inadequate means of communicating the regulatory minutiae. While certain ordinances were printed separately and posted throughout the city, as was the case with market ordinances, they competed with a flood of printed bills and advertisements for space and readers' attention.¹⁸ Elisions in public knowledge of the law only hastened the proliferation of competing and situational interpretations of city ordinances.¹⁹

Newspapers provided a readymade solution to the problem of disseminating knowledge of the law. Printers had the technology, audience, and motivation to assist city lawmakers. From the late eighteenth century onwards, Baltimore and Philadelphia's major newspapers negotiated contracts with the cities to print ordinances. Reporters and editors viewed themselves as quasi-appendages of the state. In 1848, four reporters from the *Sun*, *American*, and *Clipper* asked to have the city council's clerks place copies of all memoranda on their desks, so they could provide "a correct report of the proceedings of the Council (a result important both to the public and the members individually)."²⁰

During legislative sessions, newspapers printed a steady stream of newly enacted

¹⁷ "The object of these rules," an 1855 policeman's manual began, "is to explain the officers their powers, obligations and duties, and to remove the wretched excuse of ignorance as an extenuation for official misconduct." *Police Manual: Being Rules and Regulations for the Organization and Government of the Consolidated Police of the City of Philadelphia* (Philadelphia, 1855), 5.

¹⁸ David M. Henkin, *City Reading: Written Words and Public Spaces in Antebellum New York* (New York: Columbia University Press, 1998), 69-100.

¹⁹ For a classic study of the malleability of popular and official constructions of the law in the antebellum city, see Hendrik Hartog, "Pigs and Positivism," *Wisconsin Law Review* (July/August 1985): 899-935.

²⁰ City Council Records, 1848:540, BCA. See also Patricia Cline Cohen, *The Murder of Helen Jewett* (New York: Vintage, 1998), 24-28; Isabelle Lehuu, *Carnival on the Page: Popular Print Media in Antebellum America* (Chapel Hill: University of North Carolina Press, 2000); Charles G. Steffen, "Newspapers for Free: The Economies of Newspaper Circulation in the Early Republic," *Journal of the Early Republic* 23, no. 3 (Autumn 2003): 381-419.

ordinances alongside minutes of the proceedings, committee and mayor's reports, and other memoranda. Judging from petitions, many urban residents first learned about legal developments in the newspapers. The fact that residents could read about petitions within a day or two of their being submitted certainly facilitated the signing of counterpetitions before the legislative session ended. Officials also placed notices in newspapers to draw citizens' attention to market stall sales, sheriffs' auctions, meetings, and nominations.²¹

The importance of newspapers for vernacular knowledge of the law was evident for Baltimore's burgeoning German-American population. In 1839, a group petitioned the city council to publish a German-language digest of ordinances, arguing that "the Germans very often transgress the laws solely because they do not know them," with "unacquaintedness ... the cause of four fifths of all transgressions." More vitally, their inability to read and know the law "prevented [them] from fulfilling a duty so sacred to Freemen ... the duty to see that the Fellow citizens observe the laws." The city did not act on the petitioners' request.²² In 1850, residents again decried the fact that the roughly 25,000 German-Americans in the city were "tax payers of considerable amount" but "a great part of which number remain in total ignorance of the city laws, because they do not read the English language, or can only afford to keep a German newspaper." The city agreed to permit the *Daily German Correspondent* to print ordinances and notices, dubiously boasting that "at last popular prejudice has been overcome & liberality taken

²¹ City Council Records, 1827:487, 1835:685, 1843:317, 1848:500, 1850:355, BCA. By contrast, when city officials cited specific proceedings or ordinances, they referred to the published digest. Mayor's Correspondence, 1826:372, BCA.

²² City Council Records, 1839:649, BCA. The petitioners concluded with a series of provocative questions: "Is it not strange that the Germans are bound to obey laws which they do not know and which they cannot understand? Is it not equally strange that the Germans, having to pay the same taxes as others, should have no sight of the accounts rendered by our officers only to their English speaking constituents? Are we not in a country of equal rights? Your slaves are even made acquainted with your laws, for that they per chance speak your language makes no difference, and to us, your Fellow citizens, you would not communicate them?"

the lead.”²³

Nevertheless, the frequency with which ordinances were revised may have inured rather than sensitized urban readers to regulatory changes. Such was the belief of a growing number of critics fond of claiming that the world was “governed too much.” As an 1846 letter to the Baltimore *American* put it, the annual meeting of state legislatures produced “useless legislation” at heavy cost and subjected “the public mind [to] agitation and turmoil.” The author proposed biennial sessions to reduce “over-legislation,” a suggestion the state legislature adopted a year later.²⁴ The regulatory landscape was even more cluttered at the local level. There, the *Sun* noted in 1847, “it is a difficult matter to find out sometimes what is and what is not a law,” even for councilmen and magistrates.²⁵ Consolidation further complicated matters in Philadelphia, where lawmakers were forced to wade through the ordinances of each of the consolidated districts’ pre-1854 ordinances and generate a uniform set of laws. They had yet to complete this task in 1858, when the city’s market house commissioner complained that “the market houses are all governed by the ordinances of the old districts previous to consolidation” such that “no two are alike.” With an increased emphasis on uniformity in late-antebellum legal culture, over-legislation and nonoperational laws were not just inconvenient but spoke to deeper problems of authority.²⁶

The decentralized nature of legal administration and communication also

²³ City Council Records, 1850:355, 1849:891, BCA.

²⁴ *American*, Oct. 3, 1846.

²⁵ *Sun*, March 17, 1847.

²⁶ Appendix No. 79, *JCCP*, 1857-58: 534. As Laura Edwards shows, legal reformers in the 1840s and 1850s sought to eliminate local variation and create “a conceptual framework that posit[ed] a single, controlling view of the law as the only viable option”—a successful project in the long run (“it is now difficult for us to imagine a system in which one body of law and one institutional arena ... was not definitive”), but not entirely at first. Laura F. Edwards, *The People and Their Peace: Legal Culture and the Transformation of Inequality in the Post-Revolutionary South* (Chapel Hill: University of North Carolina Press, 2009), 13.

highlighted the equally ad hoc qualities of the antebellum municipal police system. It has been established already that, prior to professionalization in the late 1850s, the police forces of Philadelphia and Baltimore were diminutive, spread thin, and (according to many observers) lacked training and oversight. The problem of geography was particularly pronounced, as the experiences of Joseph Watson, mayor of Philadelphia from 1824 to 1828, indicate. As head of the police and criminal court, Watson aggressively cultivated networks of informants to stem the flow of counterfeit currency, stolen goods, and kidnapped African Americans through and beyond the city. Officials in towns across the country wrote to him, asking him to examine his “Black list” and pass along any information that would “be of assistance in detecting rogues.”²⁷ His reputation for having an “invincible hatred of crime” led many citizens and officials to bring evidence to him rather than to local sheriffs or judges.²⁸ Yet his efforts to cobble together a piecemeal system of surveillance faced a number of challenges, not least of which was the fact that his information was time-sensitive, verging on obsolete by the time it reached the right set of hands. The most poignant examples of this came when Watson endeavored to locate several African American children who had been kidnapped from Philadelphia and sold into slavery in Alabama.²⁹

In spite of Watson’s efforts, municipal police struggled to keep pace with the

²⁷ Nathaniel Lightner to Watson, July 2, 1825, Joseph Watson Papers, Historical Society of Pennsylvania (hereafter JWP, HSP).

²⁸ George Bartram to Watson, Jan. 10, 1828, Lightner to Watson, July 2, 1825, JWP, HSP.

²⁹ Williams, Mason, and Oliver to Wilson, Sept. 5, 1824; Testimony of Isaiah Sadler to Watson, Sept. 13, 1824; Garrigues to Watson, March 23, 1826 and March 27, 1826; Watson to Hamilton and Henderson, March 10, 1826, JWP, HSP; *Aurora*, Oct. 4, 1828. See also “Notes and Documents: Rescuing African American Kidnapping Victims in Philadelphia as Documented in the Joseph Watson Papers at the Historical Society of Pennsylvania,” *Pennsylvania Magazine of History and Biography* 129, no. 3 (July 2005): 317-345; Julie Winch, “Philadelphia and the Other Underground Railroad,” *Pennsylvania Magazine of History and Biography* 111, no. 1 (Jan. 1987): 3-25; Carol Wilson, *Freedom at Risk: The Kidnapping of Free Blacks in America, 1780-1865* (Lexington: University Press of Kentucky, 1994), 9-39.

increasingly expansive networks of illicit commerce that crisscrossed the mid-Atlantic. More sparsely settled districts like Penn Township and Germantown, northwest of the city, harbored much of this activity. In the late 1820s, residents met to petition Watson for better policing. They directed Watson's attention to the activities of felons recently released from prison who would "sally out into the surrounding country in search of plunder . . . [succeeding] with very little risk of detection in consequence of the lonely and scattered situations of the inhabitants, cut off as they are by the intervening districts from the active interference of the police of the City." Limited transportation options and poor roads contributed to their isolation, but the residents viewed the problem as systemic. Decrying the "present loose system of police regulation, and want of concentrated information, to carry their good intentions into effect," they looked to the day when "a permanent prompt energetick system of police should be established in the different incorporated districts around the City, taking the city as a nucleus, or centre." This would eventually become a potent argument for consolidation in the 1840s and 1850s.³⁰

Vigilantism (such as anti-horse theft associations) filled the vacuum of law enforcement in Philadelphia's hinterlands, serving only to attenuate the networks of surveillance and information that Watson attempted to establish.³¹

³⁰ "Proceedings of a numerous and respectable meeting..." (ca. 1823-1828), William Smith to Watson, Aug. 22, 1825, JWP, HSP. For more examples of the complexities of the city/country relationship and the policing of circulation between the two, see Lightener to Watson, July 2, 1825; Westcott to Watson, May 23, 1825; E. H. Cummins to Watson, Oct. 22, 1827; Roland Diller to Watson, Sep. 9, 1825; Lightner to Watson, March 18, 1826; Thomas Mott to Watson, Oct. 26, 1824; Smith to Watson, Aug. 22, 1825; Jesse Sharp to Watson, Aug. 8, 1825; M. T. Simpson to Watson, March 22, 1826; Westcott to Watson, Jan. 14, 1825, JWP, HSP.

³¹ *Constitution of the Centre-Square Association of Montgomery County, for the recovery of stolen horses, and detection of thieves* (Norristown, PA, 1821); *Constitution and rules of the Union Association of Newtown and parts adjacent in Delaware County, for detecting horse thieves, and the recovery of horses and other stolen property: adopted and subscribed January 3, 1835* (Philadelphia, 1835). On the relationship between vigilantism and the formation of organized police in nineteenth-century America, see Philip J. Ethington, "Vigilantes and the Police: The Creation of a Professional Police Bureaucracy in San Francisco, 1847-1900," *Journal of Social History* 21, no. 2 (Winter 1987): 197-227.

Policing was one of many municipal services that relied on voluntary, semi-private, and piecemeal efforts to combat the enlarged scale of the urban built environment. Others included firefighting, street paving and cleaning, and water and gasworks. These services stood in contrast to Philadelphia's centripetal market system, which was designed and regulated to encourage the best, and most, food products to enter into the consumer economy through a centrally located marketplace, High Street Market. As a means of orchestrating the streams of food that coursed through the antebellum city, the market system was as much about managing competition and ensuring revenue as it was about protecting consumers. So long as most residential growth hugged the waterfront, consumers had the option of attending High Street Market for the freshest and cheapest food. Particularly in Baltimore, which evolved into a city with two central markets (Centre and Lexington), lawmakers took great care to ensure public markets throughout the city did not directly compete for customers and suppliers. Laws carefully stipulated the days and times during which individual markets would be open, and officials were averse to any changes in the market schedule for fear of unintended consequences. Similarly, city leaders were circumspect in identifying and authorizing new locations for markets. As a result, public markets typically emerged well after a neighborhood had become populous.

The centripetal market system proved difficult to scale up, however, in the face of dramatic urbanization and commercialization. Despite the erection of six new public markets in Philadelphia and surrounding districts between 1833 and 1851, residential development was rapidly outpacing the system's reach (Fig. 5.2).³² After 1840, especially,

³² The markets were built in Spring Garden Street in 1833, Eleventh Street and Shippen Street in 1835, Girard Avenue in 1847, Franklin Avenue in 1848, and York Street and Lehigh Avenue in 1851.

geographic and demographic growth put increasing pressure on the system as well as the structures themselves, which began to require more frequent and expensive renovation. Not just the pace but also the character of this growth unbalanced the antebellum market order. Capitalist development fueled the city's sorting into increasingly discrete residential, commercial, and manufacturing districts.³³ By the 1850s, the immediate neighborhood of High Street Market had become the hub of a capital-intensive wholesale trade that distributed foodstuffs across thousands of miles rather than a few city blocks.

As the residential landscape became decentralized, many Philadelphians demanded the municipal market system evolve to reflect this spatial reorientation. While expanding suburbs required better access to fresh provisions, they argued, the older, increasingly mercantile and industrial areas of the city had little use for retail marketplaces like High Street Market. "Business yearly drives hundreds of our citizens further away from High street, to seek a quiet place of residence nearer the suburbs," one observer noted in 1853. "In proportion, of course, the means of attending this market become yearly more difficult and inconvenient."³⁴ Another writer concluded that High Street Market served only a minority of the community, was "no longer conveniently accessible to the mass of housekeepers" in the city, and was especially "of no use whatever to the citizens who reside at the remote points of our widely extended

³³ Proponents of a system of smaller local market houses saw Philadelphia's sorting into commercial and residential districts as an organic process, driven by capitalism and the inexorable logic of improvement. As historian Diane Shaw has observed, however, "space does not sort itself out; people do the sorting." Diane Shaw, *City Building on the Eastern Frontier: Sorting the New Nineteenth-Century City* (Baltimore: Johns Hopkins University Press, 2004), 9. An older but still important analysis of urban sorting is Sam Bass Warner, Jr., *Streetcar Suburbs: The Process of Growth in Boston, 1870-1900* (Cambridge, MA: Harvard University Press, 1962), esp. 15-21, in which Warner introduces the concept of "the walking city."

³⁴ *North American*, Oct. 13, 1853.

metropolis.”³⁵ With citizens receiving, and in turn expecting, a wider range of municipal services, inconvenient access to public markets became more objectionable.

Amidst debates over the future of High Street Market in 1853, “An Old Subscriber” wondered why southern districts like Moyamensing forced “their citizens to ride down to Market street to obtain their supplies” instead of building their own. At one hundred feet wide, Eleventh Street could (and indeed was designed to) accommodate a line of market sheds just as easily as High Street. But only one market house had been built, between Shippen and Fitzwater, eighteen years earlier. The lack of market houses dampened not only demand for market stalls but also the growth of the district as a whole. If the district commissioners extended the line of market houses the full length of the widened portion of Eleventh Street, “Old Subscriber” opined, “the market would build up the neighborhood, and the neighborhood sustain the market.”³⁶ In 1841, another writer acknowledged similar limitations to the city’s westward development, calling for a market house near the Schuylkill River at Pine Street. Not only would it prove a boon “for the convenience of the present, as well as all future generations,” he wrote, but it also would induce “owners of vacant lots in the vicinity to further improve [them] by erecting commodious buildings, which would readily find occupants.” Over a decade would pass, however, before a market house was erected in southwestern Philadelphia.³⁷

Moyamensing was among several largely working-class neighborhoods that felt the pinch of a centripetal market system. At a distance of a mile or more from High Street

³⁵ *North American*, Jan. 11, 1853. “It must be obvious to every one,” it continued, “that the present location of the market houses is not centre to the population.”

³⁶ *North American*, Jan. 8, 1853.

³⁷ *North American*, July 20, 1841. The city passed an ordinance in 1848 to erect a market house near the location proposed in 1841, but resistance from property owners in the area and budget constraints curtailed the project in 1849. Appendix No. 56, *JCCP*, 1847-48: 223-224; *JCCP*, 1848-49: 69, 71.

Market, many laboring households faced the deleterious choice of devoting a critical resource, time, to walk to market on a workday (since markets were closed on Sunday) or relying on hucksters and small provision stores closer to home. While social and political elites long had been flummoxed by the continued patronage of hucksters, blaming it on the ruinous spending habits of the poor, the city council acknowledged that responsibility ultimately fell to the municipal market system, which forced working-class consumers to rely on small-scale provision outlets “at an additional cost.” Leaving the business of provisions in the hands of a few shopkeepers or dealers, the *Public Ledger* asserted, would only “encourage the system of forestalling, which already operates severely upon the public by greatly enhancing prices.”³⁸ As the working-class districts spread out, the option of attending High Street Market became increasingly unworkable. Omnibuses and street railways were slow to draw working-class passengers before 1850, a result in part of intense resistance to the laying of rail lines in working-class streets.³⁹ Nevertheless, the appeal of homeownership among laborers and aggressive real estate speculation by land companies in the 1850s further drew working-class Philadelphians into suburban areas beyond the reach of older, more central market houses.⁴⁰

³⁸ Appendix No. 114, *JCCP*, 1852-53: 285; *Public Ledger*, May 20, 1852. Left unstated in these and other calls for neighborhood markets was the belief that ensuring ample and cheap food for working-class consumers was essential for diffusing class tensions and urban disorder, or as one 1853 article about food prices argued: “The longer the period of commercial prostration, the more active are the elements of evil. Day by day, the criminal class is augmented, and day after day stereotypes in bolder relief every phase and characteristic of the moral evil which is at work.” “On Variations in the Price of Food as They Affect the Ratio of Crime at Given Periods,” *Pennsylvania Journal of Prison Discipline and Philanthropy* (Jan. 1853): 33.

³⁹ Joel Schwartz, “‘To Every Mans Door’: Railroads and the Use of the Streets in Jacksonian Philadelphia,” *Pennsylvania Magazine of the History and Biography* 128, no. 1 (Jan. 2004): 35-61; Michael Feldberg, “Urbanization as a Cause of Violence: Philadelphia as a Test Case,” in Davis and Haller, *Peoples of Philadelphia*, 58-61. For Jacksonian-era resistance to street tracks in Baltimore, see David Schley, “Tracks in the Streets: Railroads, Infrastructure, and Urban Space in Baltimore, 1828-1840,” *Journal of Urban History* 39, no. 6 (2013): 1062-1084.

⁴⁰ Andrew David Heath, “‘Every Man His Own Landlord’: Working-Class Suburban Speculation and the Antebellum Republican City,” *Journal of Urban History* 38, no. 6 (Nov. 2012): 1003-1020; “New Market

For city leaders, the apparent failure of the centripetal market system to circulate food through the “widely extended metropolis” was manifested in the diminishing returns on their expensive investments. As municipal governments increased their public services in the 1840s and 1850s, financial considerations loomed larger in the minds of those who administered the city’s market systems.⁴¹ In Philadelphia, an insufficient number of market stalls forced hundreds of farmers, butchers, and other venders to sell from wagons in city streets, yielding the city only license fees. Rental income from the city’s market system was stagnant. In 1840, market stall rents contributed \$32,819 to the city treasury, excluding the costs of maintenance and salaries. In 1853, the final year before consolidation, annual rental income had risen only to \$36,470; by contrast, the committee on city property that year disbursed over \$111,000 on its facilities.⁴² Those numbers conveyed only part of the story. Compared to Boston’s Quincy Market and New York’s Washington and Fulton markets, an 1853 city council committee reported, High Street Market was a woefully uneconomical structure. Despite its reputation for “the great variety and superiority of the different commodities exposed for sale,” Philadelphia netted only 53 cents per square foot, a dollar less than Boston and 30 cents less than New

Houses,” *North American*, Dec. 1, 1858. Inconvenient market accommodations bore most heavily on working-class Philadelphians, due to unequal access to public transportation as well as the fact that household refrigeration was limited to urban residents with money and room to spare. On the geographic spread of working-class neighborhoods in Baltimore, see Mary Ellen Hayward, *Baltimore’s Alley Houses: Homes for Working People Since the 1780s* (Baltimore: Johns Hopkins University Press, 2008), 63-144.

⁴¹ J. H. Hollander, *The Financial History of Baltimore* (Baltimore, 1899), 171-172, 296-297; Edward P. Allinson and Bois Penrose, *Philadelphia, 1681-1887: A History of Municipal Development* (Philadelphia, 1887), 231-254; Leonard P. Curry, *The Corporate City: The American City as a Political Entity, 1800-1850* (Westport, CT: Greenwood Press, 1997), 33-85.

⁴² Appendix No. 19, *JCCP*, 1840-41: 76-77; Appendix No. 30, *JCCP*, 1853-54: 153-165, 120. The city council’s growing restlessness about the lack of market revenue can also be seen in the greater specificity with which market clerks were made to report rents. In 1840, rent was reported in the annual digest (referenced by city officials) as a single sum; by 1845, it was broken down by different types of stalls (butchers’ stalls, fish stalls, etc.). By 1848, each renter was listed along with his or her rent. Consolidation added several more market houses to the municipal roster, but it did not provide a panacea for market revenue, which lingered below \$70,000 in 1855.

York. "It is apparent," the committee concluded, "that our Corporation does not receive a fair equivalent for the accommodations granted."⁴³

By identifying and calling attention to certain problematics of scale, city leaders justified the reformation of urban governance in the 1840s and 1850s. Victorian London provided the clearest articulation of this principle. For urban reformers, Lynda Nead demonstrates, "London could no longer be treated as a series of disconnected, separate parts; it had to be governed as a whole." London's geographic and demographic expansion in the first half of the nineteenth century was "not robustly corpulent but unhealthily swollen; its main arteries [were] coated and becoming choked and it risks an urban cardiac arrest."⁴⁴ Although London stood at the forefront of mid-nineteenth-century efforts to reshape metropolitan space, the language of "improvement" (and its corollary, "modernity") pervaded urban discourse on both sides of the Atlantic. A strain of anti-urbanism ran through many late-antebellum experiments to refashion urban space, most notably in parks and residential enclaves. Yet *rus in urbe* was not the only response to clogged urban arteries.⁴⁵ Rather, attempts to reform of urban space and municipal government coalesced around a singular concern with the circulation of people, goods,

⁴³ Appendix No. 114, *JCCP*, 1852-53: 286-289.

⁴⁴ Lynda Nead, *Victorian Babylon: People, Streets and Images in Nineteenth-Century London* (New Haven: Yale University Press, 2000), 17, 16. As Miles Ogborn's work shows, the mid-nineteenth-century urban "crisis" of circulation (and its resolution) was but another in an urban genealogy that dated to the late-seventeenth century and London's Great Fire of 1666. That William Penn's plan for Philadelphia took its cues from successes and failures of London's post-1666 reformation is a reminder that ideas about metropolitan improvements were subject to constant circulation and reassessment throughout the wider Atlantic world. Miles Ogborn, *Spaces of Modernity: London's Geographies 1680-1780* (New York: Guilford, 1998), 75-115. See also Laurel Flinn, "Social and Spatial Politics in the Construction of Regent Street," *Journal of Social History* 46, no. 2 (Winter 2012): 364-390.

⁴⁵ For works that consider anti-urbanism within the context of mid- to late-nineteenth-century urban reforms, see especially David Schuyler, *The New Urban Landscape: The Redefinition of City Form in Nineteenth-Century America* (Baltimore: Johns Hopkins University Press, 1986); Daniel Bluestone, *Constructing Chicago* (New Haven: Yale University Press, 1991); Mona Domash, *Invented Cities: The Creation of Landscape in Nineteenth-Century New York and Boston* (New Haven: Yale University Press, 1996).

and services.

II. Transforming the civic circulatory system

May 1844 heralded a new era of circulation in Baltimore. On May 24th, Samuel F. B. Morse unveiled his electromagnetic telegraph to national leaders in Washington. Morse's first missive, "What hath God wrought," was conveyed over forty miles through a series of overhead wires to his associate in Baltimore. Telegraphy stirred the imagination of contemporaries and historians alike, ushering in a new era of mass communication that collapsed geographic and temporal barriers.⁴⁶ As host to the dramatic event, Baltimore and its leaders had particular reasons to dream on the telegraph's potential for revolutionizing the transmission of information of all forms—commercial, social, and governmental. The same month (May 1st, the day Morse first tested his telegraph) also witnessed the introduction of omnibuses to Baltimore's streets. Newspapers praised the horse-drawn cars as "indispensable to the convenience of our citizens." Tracing paths already cut by freight railroads through the urban landscape, mass transit enabled the more rapid settling of neighborhoods at a distance from Baltimore's waterfront, where most settlement had clung for more than a century. "Free to all white persons for the trifling stipend of six cents," recalled one resident decades later, the omnibus "mitigated, if not obviated ... the inconvenience of this wide extent of territory." Within three years, dozens of omnibuses ran along three routes in the city, with

⁴⁶ On Morse and the range of public responses to the telegraph, see Richard R. John, *Network Nation: Inventing American Telecommunications* (New York: Belknap, 2010), 24-64. A copy of the first telegraph tape was provided to the city council; Mayor's Correspondence, 1844:309, BCA. For a recent example of the continuing symbolic force of the telegraph's introduction in America, see Daniel Walker Howe, *What Hath God Wrought: The Transformation of America, 1815-1848* (New York: Oxford University Press, 2007).

more on the way.⁴⁷

Telegraphy and mass transit were part of a larger civic project to remake urban space in the image of liberal society, emphasizing individualism and freedom of movement—ideas that were encapsulated in the term, “convenience.” After outlining the problematics of scale and circulation described above, commercial and political leaders sought to transform urban infrastructure in the 1840s and 1850s. As a pair of scholars has put it recently, at issue was how to make capitalism, predicated on the rapid circulation of people and goods, “the foundation of public order and stable government.”⁴⁸ The insertion of new technologies like telegraphy and mass transit into the existing landscape, along with a renewed emphasis on more prosaic elements of governance like the grading, paving, renaming, and clearance of streets, served to make capitalist growth a source of order rather than disorder. Materializing the liberal order—anchoring urban governance in the built environment—mandated the expansion of a range of municipal services that promoted more orderly and rapid circulation, including street lighting, waterworks, police and health departments, and market houses. The process of “making liberalism durable” entailed the expansion of municipal government in other ways, as well, such as the regulation of privately established services like telegraphy and mass transit and the widening scope of nuisance laws.⁴⁹

Perhaps the most basic requirement of the modern civic circulatory system was

⁴⁷ *Sun*, May 1, 1844; Henry Stockbridge, Sr., “Baltimore in 1846,” *Maryland Historical Magazine* 4 (1911): 24; City Council Records, 1847:483, BCA.

⁴⁸ Michael Zakim and Gary J. Kornblith, “An American Revolutionary Tradition,” in *Capitalism Takes Command: The Social Transformation of Nineteenth Century America*, eds. Zakim and Kornblith (Chicago: University of Chicago Press, 2012), 1.

⁴⁹ Chris Otter, “Making liberalism durable: vision and civility in the late Victorian city,” *Social History* 27, no. 1 (Jan. 2002): 1-15. Otter offers a useful definition of the “self-governing liberal subject” as “master of the baser instincts and passions, a creature of thrift, energy, perseverance and, critically, reflexive evaluation of its own civility” (2).

legibility. A number of scholars have explored the significance of the growth of gas lighting in the nineteenth-century city, but it was only one of several aspects of making urban space easier to navigate and regulate at all times of day.⁵⁰ Street naming and numbering were another facet. To illuminate the dangers of an unmanageable streetscape, an 1836 editorial described a fictional southwestern merchant doing business in Philadelphia. Upon arrival, he would encounter “streets of almost interminable length ... lumbered and obstructed with bales and boxes, and stores and shops filled to overflowing with every thing that can be bought and sold.” Yet the merchant would soon become disenchanted with the disorderly abundance, “for over all the city, without distinction of street or alley, are all things scattered.” He would “not cheerfully consent to run the gauntlet among wharves, stores and shops, without guide or direction,” boarding a steamboat to New York and instructing his fellow southwestern merchants to do the same.⁵¹ While the piece addressed the city’s opaque commercial geography, it also alluded to more deeply entrenched misunderstandings of the built environment.

To the chagrin of authorities, visitors, and many residents, the antebellum city was comprised of a tangle of streets that at times verged on indecipherable. Not only were new public ways opened at a frenetic pace as the city expanded and filled out, but private streets and courts also abounded. More problematically, individual streets could acquire several names over time, with the official designation all but ignored in practice. While some dual designations—like Philadelphia’s High Street, which was unofficially

⁵⁰ Wolfgang Schivelbusch, *Disenchanted Night: The Industrialization of Light in the Nineteenth Century* (Berkeley: University of California Press, 1988); Peter Baldwin, *In the Watches of the Night: Life in the Nocturnal City, 1820-1930* (Chicago: University of Chicago Press, 2011).

⁵¹ *Public Ledger*, April 22, 1836. Bemoaning how Philadelphia merchants “shrink from exposing their names in a newspaper,” the editorial exhorted businesses to advertise (in the *Ledger*) so visiting merchants would not have to go on “a voyage of discovery among stores and shops.”

known as Market Street—were widely known, many others were not. City leaders attempted to clarify the streetscape by having indexes painted at intersections. But this endeavor often fell victim to oversights, lack of upkeep, and vandalism, as Baltimore lawmakers were informed in 1846: “There are many streets without any Index, as also many new streets, lanes and alleys, which are built upon in all directions, which never had any names put up, also many of which have had the names changed.” Rather than mitigate the confusion, privately undertaken solutions like maps and city guides contributed to the babel of place names by virtue of their variety.⁵²

To make the metropolis a more dynamic and better-regulated system of pedestrian and commercial traffic, local variations needed to be minimized. Indeed, advocates of Philadelphia’s consolidation used the issue of street nomenclature to argue for municipal reform in the years leading up to the 1854 act. “For want of conformity among the many powers into which the imaginary lines of corporate authority have divided this noble and flourishing city,” the *Public Ledger* opined in late 1853, “our main avenues extending continuously three or four miles in length [were] called by several distinct and separate names, according as they are approached, from the north, south, or in the middle.” It celebrated the city council’s plan to change the names of streets west of Broad so that the numbers would run consecutively to the Schuylkill—“an arrangement which public convenience demands”—but lamented how “every attempted municipal improvement ... is checked and prostrated” due to a lack of a central authority. A year later, the *North American* exhorted the consolidated city councils to rectify the “defective nomenclature

⁵² City Council Records, 1846:428, BCA. David Henkin has identified a broader trend of antipathy or indifference towards “official” signage in antebellum New York. Henkin, *City Reading*, 39-68.

of our city highways.”⁵³ Another four years passed before lawmakers addressed the issue of duplicate street names, enacting an ordinance that retitled some 900 streets and directed the commissioner of highways to replace the obsolete street signs.⁵⁴

More widespread and incommodious was the incoherent system of numbering houses. From street to street and block to block, there was no uniformity in how house numbers were assigned or displayed in Baltimore and Philadelphia prior to the late 1850s. Annual city directories included rough (and frequently revised) guidelines for how each street was numbered, but they were only schematic; the same number could be found on the front of two or three houses in the same block. This posed problems for commercial traffic as well as regulation. Not only did it hinder the delivery of letters, calling cards, telegraphs, periodicals, bills, and consumer purchases, but it also contravened the “new postal cartography” that sought to integrate the entire nation into “a single postal zone.”⁵⁵ In 1840, Baltimore’s city council deemed it unwise to burden residents with new taxes to fix the “irregular manner in which houses are numbered.”⁵⁶ It was “very annoying,” a Philadelphian sighed in 1856, “to find your letters going to the residence of a neighbor, whose house is similarly numbered as your own, and to find his bills for groceries, shoes and dry goods presented at your door.” Confusion did not facilitate consumption.⁵⁷

Other observers deemed haphazard house numbering to be an indication of the erosion of municipal authority. Admitting the prevailing belief among property owners was “that a man may place upon his house any number he sees fit,” one editorialist

⁵³ *Public Ledger*, Nov. 30, 1853; *North American*, Nov. 21, 1854.

⁵⁴ Ch. 173 (Sept. 1, 1858), *Ordinances of Philadelphia*.

⁵⁵ David M. Henkin, *The Postal Age: The Emergence of Modern Communications in Nineteenth-Century America* (Chicago: University of Chicago Press, 2006), 38-39; Richard R. Johns, *Spreading the News: The American Postal System from Franklin to Morse* (Cambridge, MA: Harvard University Press, 1995).

⁵⁶ In 1844, a petitioner complained that “the same numbers are upon different houses and stores ... in several of our principle Streets of Business.” City Council Records, 1840:611, 1844:354, BCA.

⁵⁷ *Public Ledger*, June 16, 1856.

argued “it is no more his property than the name of the street, or the curbstone in front of his dwelling, or the sidewalk, which he is obliged to pave at his own expense.” Although “the number [had] a public relation, and none other,” however, the city council had heretofore failed to exert authority over the system. Worse, the “bungling and most vexatious arrangement, or rather derangement of numbers” threatened public order and safety by thwarting the swift deployment of policemen and firefighters.⁵⁸ As with street naming, consolidation hastened reform. When Philadelphia lawmakers passed an 1856 ordinance “to effect uniformity in numbering houses,” the police department enforced compliance. The commissioner of highways provided every resident their house’s number and gave them 60 days to have it “painted, carved or cast ... in a conspicuous place [and] in a permanent and durable manner.” The “Philadelphia plan”—each block assigned 100 numbers, one side even-numbered and the other odd-numbered—quickly spread to other cities, including Baltimore in 1859. There contractors offered property owners to have their numbers “done in bold white lettering to make them stand out” for the cost of twelve cents.⁵⁹

While private enterprise was instrumental in forging new systems of circulation in the antebellum city, it did so within preexisting limits of public authority—though it also served to stretch and reshape those limits. As one scholar has shown, Baltimore officials sought to weave the railroad into the urban fabric in a way that “did not violate established patterns of movement within the city,” requiring railcars travel no faster than “a walking pace” of three miles per hour in 1831.⁶⁰ The Baltimore & Ohio Railroad was

⁵⁸ *North American*, Dec. 26, 1853; *Public Ledger*, June 16, 1856.

⁵⁹ Ch. 141 (Sept. 16, 1856), *Ordinances of Philadelphia*; City Council Records, 1859:217, BCA.

⁶⁰ Schley, “Tracks in the Streets,” 1068. Schley goes on elsewhere to demonstrate the loosening of restrictions on the railroad as it morphed (in perception and reality) from a public utility to a more

not the first corporation that forced municipal authorities to confront the challenge of integrating public and private systems of circulation. As early as the 1790s, Philadelphians debated the relative merits of public and private construction and ownership of an urban waterworks, a contest over the meaning of the public good that would evolve over the nineteenth century. While its effects on the urban landscape would not fully register until later in the nineteenth century, the introduction of the nation's first gasworks in Baltimore in 1816 also prompted a redefinition of the civic circulatory system—first by enabling more widespread street lighting, then through the laying of pipes.⁶¹ By the time telegraphy and omnibuses emerged in the mid-1840s, urban residents were accustomed to assimilating new patterns of movement within their everyday lives.

While they were hailed as paramount public conveniences, neither the omnibus nor the telegraph seamlessly incorporated into the regulated built environment. Indeed, the telegraph may have exploded the physical barriers of communication, but it did not transcend the physical limits of the streetscape. When Morse received permission to erect poles to suspend telegraph wires, he was directed not to “obstruct the street or pavement more than a common lamp post.” Telegraph companies frequently replaced poles that had been knocked down or rotted, sometimes leaving the stumps. Property owners may have appreciated the general benefits of telegraphy but, like those who lived in West Lombard Street, viewed them as a “great injury” to their property when placed in their street. An 1849 resolution allowing the North American Telegraph Company to erect poles required

fundamentally private enterprise between the 1820s and 1870s. David H. Schley, “Making the Capitalist City: The B&O Railroad and Urban Space in Baltimore, 1827-1877” (PhD diss., Johns Hopkins University, 2013).

⁶¹ Carl Smith, *City Water, City Life: Water and the Infrastructure of Ideas in Urbanizing Philadelphia, Boston, and Chicago* (Chicago: University of Chicago Press, 2013), esp. 53-119; David P. Erlick, “The Peales and Gas Lights in Baltimore,” *Maryland Historical Magazine* 80, no. 1 (Spring 1985): 9-18. For gas regulations, see Ch. 251 (1817), Ch. 417 (1858), *Session Laws of Maryland*; No. 34 (1855), *Ordinances of Baltimore*.

them to do so in a “substantial” and “neatly painted” manner in streets no less than forty feet wide.⁶² Authorities and property owners viewed telegraph lines in the same light as awnings, steps, cellars, and other private intrusions into the sidewalk—nuisances unless strictly regulated by municipal authority.⁶³

Limitations on telegraph lines loosened by the 1850s—not because of their commercial benefits but rather their potential for policing. As noted earlier, information circulated slowly and unevenly through the city, hindering efforts to police the illicit movement of people and goods. Leaders quickly recognized that telegraphy could effect the integration of systems of official communication. In return for allowing private companies erect telegraph lines through public ways, the municipal corporation demanded free use of the system. After a decade of haphazard use, Philadelphia established a dedicated office for a police and fire alarm telegraph in March 1856. Mayor Vaux exalted in 1858: “At the Central Station, night and day, are qualified operators to communicate at a moment’s notice any information or orders to the sixteen police stations, that comprise the jurisdiction.” In 1857, over 34,000 messages were sent through the system to report missing children, fires, riots, and other events. Telegraphy, as much as any reform, transformed urban policing in late-antebellum America. It facilitated the centralization of administration, which was vital to the management of municipal police and fire forces that grew dramatically with professionalization in the late 1850s.⁶⁴

The integration of mass transit into the civic circulatory system was more

⁶² City Council Records, 1845:755, 1853:866, 1848:528, BCA; Resolution No. 53 (1849), *Ordinances of Baltimore*.

⁶³ See for instance Mayor Jacob Davies’ explanation for returning a proposed 1846 ordinance to the city council, which would have given shopkeepers more power to place awnings at their own discretion: “It would do a great injury to the City generally and be the cause of great complaint as a nuisance if in general use in our greatest thoroughfares.” City Council Records, 1846:460, BCA.

⁶⁴ Appendix No. 79, *JCCP*, 1857-1858: 566-567.

problematic. For many, omnibuses posed a physical and symbolic threat to public order. Taking advantage of modest license fees, a dozen or more omnibus companies competed for customers in the late 1840s and early 1850s. This encouraged many drivers to make frequent “improper and dangerous” maneuvers to pass other drivers and scoop up waiting passengers. When a route that would run past Fells Point Market was proposed in 1846, petitioners feared the “danger to which both Buyers and Sellers would be Exposed.” Satisfied with omnibus proprietors’ promises to start their vehicles “at a reasonable time apart which is regulated by time keepers at each end of the route,” the city authorized the new line.⁶⁵ Yet for several years there was no all-embracing law to police omnibus drivers (who were classed with all other carriage drivers) or lay out an organized system of omnibus lines. As a result, petitioners lamented in 1847, drivers were more careful when the city council was in session but resumed their improprieties when the session ended. Lack of direction meant that omnibus lines over-served some neighborhoods and bypassed others.⁶⁶

Baltimoreans and Philadelphians debated how to resolve the redundancies and dangers of the omnibus lines. Pointing to the example of New York, where omnibus rates were not fixed and “rivalry” served to reduce “the rate of fare very materially,” the *North American* argued in 1845 that “private enterprise with free competition” was the only way to ensure omnibuses and other systems of transit “work neatly and safely.”⁶⁷ When Baltimore’s city council proposed raising the omnibus license, in part to expel the dodgiest companies, proprietors protested. The law should be employed, they argued, “not to increase their tax, but rather encourage them to remain in our city to which they

⁶⁵ City Council Records, 1847:483, 1846:345, 604, 1847:464, 740, 749, BCA.

⁶⁶ City Council Records, 1847:483, BCA; No. 12 (1844), No. 68 (1846), *Ordinances of Baltimore*.

⁶⁷ *North American*, Nov. 21, 1839, Feb. 14, 1845.

are both an ornament and a benefit.” Another petition noted that “the distinction has always been to tax as lightly upon necessities and as heavily upon luxuries as the revenue standard would permit; hence the tax has always been lighter upon the waggon, the cart and the dray, than upon the gig, the carriage or the hack.” Since “a man whose time is worth any thing cannot afford to walk (in the pursuit of his business) even one half the length of our route,” the omnibus was a “necessary” rather than a “luxury.” Agreeing “that such vehicles are now indispensable to the public convenience” and still “but an experiment,” the city council kept the license at its low level. Similar omnibus license debates would recur often during the 1850s, reflecting the encroachment of liberalism in the civic economy, the erosion of licensing, and increased deference to private companies.⁶⁸

Still, the concept of public convenience was also used to argue for stricter omnibus laws. In 1852, the *Public Ledger* noted that the “procession” of omnibuses and other carts, often eight or ten long, required pedestrians to wait “an unnecessary length of time for an opportunity to pass on their business.” It called for police officers to be stationed at the busiest corners to direct traffic and prevent omnibuses from turning corners too fast and knocking down pedestrians, an “inconvenience [that] is growing greater every day.” Without “some regulation ... it will soon be impossible for women and children to cross the streets at all.” A reader agreed: “The increased amount of travel in our streets renders some regulations desirable.”⁶⁹ While the *North American* advocated for “free competition” in 1845, by 1853, with throngs of omnibuses clogging Chestnut Street, it called for the city to restrict the number of licenses granted: “Our streets are, and

⁶⁸ City Council Records, 1847:484, 485, 1848:735, 1850:438, 769, 1858:311, BCA; Mayor’s Communication (1855), *Ordinances of Baltimore*, 8-9.

⁶⁹ *Public Ledger*, Dec. 25 and Dec. 27, 1852.

must of necessity be, under the control of the municipal authorities, who are expected to keep them safe, comfortable, and free for the passage to and fro of citizens.”⁷⁰ With the long-term viability of omnibuses more or less assured by the 1850s, support for increased regulation grew.

Nevertheless, the emergence of a modern civic circulatory system raised new questions about street access and the boundaries of the public. Owners of mass transit and communications systems defended their use of sidewalks and streets as justified not simply because they offered convenience but rather they democratized convenience. The *North American* was not alone in claiming the omnibus “reminds men of their equality,” men who were “anxious to play their parts on the theatre of the world in their respective spheres, which are very various.”⁷¹ Yet for women and African Americans, use of the streets remained an inequitable and insecure proposition. Women took advantage of omnibuses and street railways to exercise greater independence, but navigating “the cartography of gender” that evolved alongside systems of transit was exhausting and unpredictable.⁷² For persons of color, the emergence of mass transit spatially reinscribed social and economic inequalities. Excluded from Philadelphia’s street railway cars, black Philadelphians, along with a number of eminent white advocates, petitioned for access. After a failed newspaper appeal in 1859 and court case in 1861, 360 Philadelphians signed an 1862 petition that began by stressing that “the Colored Citizens of Philadelphia suffer very serious inconvenience and hardship daily” from their exclusion. Indeed, convenience proved a powerful argument for streetcar desegregation, which was secured

⁷⁰ *North American*, June 4, 1853.

⁷¹ *North American*, Oct. 15, 1857.

⁷² Mary P. Ryan, *Women in Public: Between Banners and Ballots, 1825-1880* (Baltimore: Johns Hopkins University Press, 1990), 68-76. See also *Public Ledger*, July 16, 1851; *Sun*, Feb. 22, 1856.

in 1867.⁷³

Contests over access to burgeoning urban transportation systems pointed to a central feature of urban growth in the second half of the nineteenth century. As the built landscape grew and residential neighborhoods emerged farther from the urban core, the expansion of municipal services produced a highly asymmetrical system of circulation. Historian Martin Melosi has illustrated this in his study of urban sanitation, noting that the “outward growth of cities ... exposed inequalities in the delivery of services through a citywide system.”⁷⁴ The modern civic circulatory system of the liberal city did not just expose inequalities; it produced, hardened, and rationalized them. With the shift in municipal energies from regulation to service—and from an emphasis on public good to public convenience—there arose new opportunities for distinctions of class, race, and gender to be reified in the urban landscape. Battles over the shape and regulation of public markets in the 1850s provide a powerful illustration of this shift.

III. Another kind of market

In late 1853, on the eve of consolidation, Philadelphia’s city council looked to combine innovations in market architecture with a sweeping overhaul of the municipal market system. Its plan directly addressed the late-antebellum problematics of scale and circulation. Following a steady stream of petitions by residents for more convenient

⁷³ “Petition for the Colored People of Philadelphia to Ride in the Cars” (June 10, 1862), Society Miscellaneous Collection, HSP. See also Philip S. Foner, “The Battle to End Discrimination against Negroes on Philadelphia Streetcars,” *Pennsylvania History* 40 (July and Oct. 1973): 261-291, 355-379; William Still, *A Brief Narrative of the Struggle for the Rights of the Colored People of Philadelphia in City Railway Cars* (Philadelphia, 1867); William D. Kelley, *Why Colored People in Philadelphia are Excluded from the Street Cars* (Philadelphia, 1866); *Report of the Committee Appointed for the Purpose of Securing to Colored People in Philadelphia the Right to the Use of the Street Cars* (Philadelphia, 1867).

⁷⁴ Martin V. Melosi, *The Sanitary City: Urban Infrastructure in America from Colonial Times to the Present* (Baltimore: Johns Hopkins University Press, 2000), 161.

market accommodations, the council called for “local or sectional” market houses that would anchor the rapid residential development occurring in each of the city’s quadrants. The four new markets were to be “built in the most substantial manner, and of a general character superior to any thing of the kind in the United States,” influenced by European market hall architecture and of similar capacity as Baltimore’s new Institute Market. In turn, the city would remove the market shambles from High Street. The butchers, Pennsylvania and Jersey farmers, fruit venders, and oyster dealers who rented the 746 stalls in Market Street would relocate to sectional markets, each containing 300 stalls. Not only did this plan improve market services in residential neighborhoods increasingly distant from High Street Market, but it also served the general public convenience, proponents believed, by eliminating the 170-year-old market sheds that obstructed the free traffic of pedestrians, vehicles, and commerce in general. In a separate ordinance a few weeks later, the city council decreed that the official designation of High Street was no more. Thus the plan to remove the street’s market sheds coincided with its rebranding as Market Street.⁷⁵

At the same time it integrated the public market within the emerging liberal city, the 1853 plan promoted the view that food remained an appropriate, indeed vital, municipal service. Not all urban residents agreed with this view. Free trade critiques of economic regulations had already unraveled the municipal inspection system, and there was growing support for the total privatization of the food trade. In a city with as ambitious a commercial reach as Philadelphia, many urban boosters viewed regulations such as the size of baskets in which vegetables were to be sold as niggling and tedious

⁷⁵ Appendix No. 114, *JCCP*, 1852-53: 287, 284; Ch. 1475 (Dec. 8, 1853), *Ordinances of the Corporation of Philadelphia, 1850-1854* (Philadelphia, 1854), 1366. For petitions and further discussion of the “sectional” markets, see *JSCP*, 1846-47: 132-133, 138; 1853-54: 23; *JCCP*, 1853-54: 24-25, 100.

legal exercises at best and, at worst, dangerous infringements on personal liberties.⁷⁶

American critics pointed to London and Paris, where municipal market systems were crumbling and private market halls and groceries were proliferating in the 1840s and 1850s, as the future of the urban food economy.⁷⁷

Nevertheless, many antebellum Americans continued to see the public market as an essential bulwark against deception and disease. In one of the most vigorous defenses of market regulations, an editorialist in the *Public Ledger* re-posed the question, “Is the World Governed Too Much?” Writing in 1852, the author lauded the supposedly “barbarous” market regulations that protected consumers from dishonesty, monopoly, unsafe food, and the “fraudulent spirit” of free trade. *Caveat emptor* “supposes that every buyer is a chemist, and has a laboratory, and has leisure ... to analyze every quart of milk or every pound of ready roasted coffee.” Poorer customers especially benefited from market regulations to restrain dealers from selling them “poisoned” cows and “measly pork” in their “recklessness ... in pursuit of dollars.” Indeed, “an article can scarcely be found unadulterated, where adulteration can be practiced without immediate detection.”⁷⁸ Frequent reports of adulterated and poisoned foods and periodic public health crises like the 1849 cholera and 1855 yellow fever epidemics further validated market ordinances that protected consumers from tainted meat and produce. They also furnished evidence

⁷⁶ *North American*, Feb. 14, 1849.

⁷⁷ Thomas M. Challis, *Free Trade in Food: Letter to the Right Hon. Lord John Russell, M.P., on the Proposed Removal of Smithfield Market* (London, 1851), esp. 4-6; James Schmiechen and Kenneth Carls, *The British Market Hall: A Social and Architectural History* (New Haven: Yale University Press, 1999); George Dodd, *The Food of London* (London, 1856); Peter J. Atkins, “‘A Tale of Two Cities’: A Comparison of Food Supply in London and Paris in the 1850s,” in *Food and the City in Europe since 1800*, eds. Peter J. Atkins, Peter Lummel, Derek J. Oddy (Hampshire, UK: Ashgate, 2007), 25-38; Judith A. Miller, *Mastering the Market: The State and the Grain Trade in Northern France, 1700-1860* (Cambridge, UK: Cambridge University Press, 1999).

⁷⁸ Michael H. Frisch, “Notes and Documents: Is the World Governed Too Much?,” *Pennsylvania Magazine of History and Biography* 105, no. 2 (April 1981): 204-206, 209-210.

for supporters of public markets, who argued that the food trade was intrinsically dangerous and needed to be contained within well-policed spaces set off from residential neighborhoods.⁷⁹

Bread, a bellwether of shifting attitudes towards market regulations, remained a subject of municipal and popular attention well into the 1850s, despite resistance from bakers. Spurred by several petitions complaining that “the size of bread has been reduced below any former standard,” Philadelphia’s city council directed market clerks to visit and report on city bakeries in July 1847. Upon inspecting the shops of 63 bakers, they found that “great irregularity and inequality has prevailed in the sale as well as in the weight of bread” due to the 1797 state law having “fallen altogether into disuse.”⁸⁰ The attempt to impose the half-century-old assize faltered, however, and a decade later consumers again called for the city council to pass an ordinance for the sale of bread by weight. Amidst the Panic of 1857 and a surge in food prices, the *North American* asked: “Shall the bakers rule?” The *Press* admitted that the very mention of the term “assize” would raise “the cry ‘of needless interference with private business,’” but charged that “the police can seize *bad* food, and it is a pity of *dear* food be outside their limits.” Despite widespread support for the measure, the city determined it had “no power to

⁷⁹ Frederick Accum, *A Treatise on Adulterations of Food, and Culinary Poisons: Exhibiting the Fraudulent Sophistications of Bread, Beer, Wine, Spirituous Liquors, Tea, Coffee, Cream, Confectionary, Vinegar, Mustard, Pepper, Cheese, Olive Oil, Pickles, and Other Articles Employed in Domestic Economy, and Methods of Detecting Them* (Philadelphia, 1820); *Deadly Adulteration and Slow Poisoning Unmasked; or, Disease and Death in the Pot and the Bottle ...* (London, 1839); Lewis C. Beck, *Adulterations of Various Substances Used in Medicine and the Arts: With the Means of Detecting Them ...* (New York, 1846); “Adulterations in Trade,” *Hunt’s Merchants’ Magazine* 24, no. 6 (June 1851): 782; *North American*, June 11, 1849; *Sun*, July 12, 1849.

⁸⁰ Appendix No. 53, *JCCP*, 1846-47: 132, 208-215; Ch. 1947 (1797), *Statutes at Large of Pennsylvania*; *North American*, April 7, Sept. 2, and Sept. 14, 1846, March 15, June 14, and July 5, 1847; *Public Ledger*, July 2, 1846. Only one baker resisted, Jacob Meyers of Pine Street, who “refused to have his bread weighed,” because “his wife does not wish to submit to English laws.” Another clerk noted that the quality of the bread was more uniform than the weight.

exact any ordinance regulating the sale of bread.”⁸¹

The 1853 sectional market plan was borne of much firmer municipal self-confidence. Not pausing to consider the irony in removing the market sheds from Market Street, the city immediately moved to purchase lots suggested by property owners in each of the quadrants. At the end of January 1854, the city council approved \$1 million in debt to fund the project, which critics shortly would allege was an unwarranted expenditure by the corporation in its last days before consolidation. Eager to act quickly, councilmen eyed two financially distressed market houses that real estate speculator John Rice had opened at the southeastern corner of Broad and Race Streets in late spring 1853. His market houses incorporated the newest features of market architecture, including a railroad depot, and would provide the inspiration for the numerous market houses that would be constructed in the city later in the decade. On February 2, 1854, hours before the Consolidation Act was passed, the municipal corporation announced contracts for four new lots and the Broad and Race Street markets at a total of \$650,000.⁸²

For as swiftly as the sectional market plan was initiated, however, the project failed just as spectacularly—the city built none of the four markets, and the Broad Street Market struggled mightily to fill its stalls. By 1856, with Broad Street Market losing an estimated \$8,000 annually, the city considered converting the “noble and capacious edifices” into public schools.⁸³ The early-morning contracts of February 2, 1854, came to be viewed as embodying the shortsightedness and corruption of the old corporation. The “Rice Job,” as the last-minute scheme came to be called, cost several city councilmen in

⁸¹ *North American*, June 27, 1859; *Press*, Oct. 19, 1857; Appendix No. 12, *JCCP*, 1857: 47-48.

⁸² Tangires, *Public Markets*, 100-102; Barshinger, “Provisions for Trade,” 107-113; *North American*, May 20, 1853.

⁸³ *North American*, April 12, 1856; Appendix No. 206, *JCCP*, 1855-56: 590; Appendix No. 92 (Annual Message of the Mayor), *JCCP*, 1855-56: 398.

the upcoming election and momentarily tarnished the reputation of the new corporation. It did not deter Rice, however, from building several more market halls, hotels, and other costly (and dubious) monuments to the spirit of late-antebellum urban speculation. Moreover, the affair did not curb Philadelphians' appetite for new, larger, and elegant market houses in "the good example set by Mr. Rice."⁸⁴

Nevertheless, the "long, low, mean, ill-constructed and open sheds" remained entrenched in Market Street, an anomalous sight in a streetscape dominated by new five- and six-story buildings (Fig. 5.3).⁸⁵ Proponents of the sectional market plan and critics of High Street Market, two largely (but not completely) overlapping groups, argued that the continued presence of the "ancient" marketplace and their obstinate occupants thwarted the plan. In addition to the 746 market renters, and the thousand or more men and women to whom they sublet their stalls for most of the week (at a profit), officials reckoned that 5,000 market wagons occupied city streets, vending rent-free. The curbstone stands had been appropriated for the use of farmers, but observers estimated only one in ten came from the country. The rest stored their wagons in tavern yards and alleys nearby, dragging them by hand every morning back to the sidewalks.⁸⁶ The occupants of these stalls and wagons, the *North American* opined, "might certainly be displaced without any inconvenience to the community."⁸⁷ High Street Market's defenders disagreed. In an 1858 letter to the *Public Ledger*, "William Penn" estimated that 50,000 to 70,000 Philadelphians continued to "depend on Market street alone for their daily food," in

⁸⁴ *North American*, June 11, 1853; Molly Berger, *Hotel Dreams: Luxury, Technology, and Urban Ambition in America, 1829-1929* (Baltimore: Johns Hopkins University Press, 2011), 83-110.

⁸⁵ *North American*, Nov. 17, 1853.

⁸⁶ Appendix No. 206, *JCCP*, 1855-56: 589; Thomas De Voe, "Public Markets of Philadelphia" (manuscript, ca. 1860s-1880s), New-York Historical Society.

⁸⁷ *North American*, Jan. 11, 1853.

addition to thousands of others who earned a living from their access to the marketplace. An otherwise sympathetic observer, New York butcher Thomas De Voe, was more cynical in his appraisal of the curbstone dealers' place in the urban consumer economy: "These squatters supply a poorer class of people, and sell the poorest and stalest of every thing."⁸⁸

Curbstone clearance had been tried elsewhere in Philadelphia, with successful results. In 1845, city leaders were determined to expunge the traces of rural production that had seeped out of the market houses in South Second Street. Long one of the main conduits of the farm-to-city trade, the street's rusticity came to be seen as a drag on the commercial prospects of the city. Twice a week, farmers, wagons, and livestock descended on the marketplace, giving Second Street the impression of a malapropic country fair. Contributing to the spatial confusion were the curbstone dealers, whose wagons lined the street for several blocks. Curbstone advocates argued that the wagons drew crowds to the street and, ultimately, into the shops lining the street. The "anti-wagon party" viewed "the crowd, confusion, noise and dust" of the street market as "a perfect nuisance" that drove "good customers away from the shops." Compelled by property owners and shopkeepers, the council passed an ordinance in 1845 that prohibited the selling of any articles other than country produce from street stalls.⁸⁹ Its effects were immediate, the *North American* wrote: "This portion of our city proper has been for some years been almost a sealed book to our citizens ... a Herculaneum buried beneath the market carts, vegetable stalls, and shiners' stands." With the obstructions

⁸⁸ *Public Ledger*, Oct. 28, 1858; De Voe, "Public Markets of Philadelphia," N-YHS.

⁸⁹ *North American*, Feb. 1, 1843; "An Ordinance Relating to Second street market place" (Sept. 25, 1845), *Digest of Acts of Assembly Relating to the City of Philadelphia ...* (Philadelphia, 1856), 329-331; *Journal of the Select Council of the City of Philadelphia For 1844-45* (Philadelphia, 1845), 113. Pine Street, a less traveled commercial street, was designated as a new stand for carts. *Journal of the Common Council*, 115.

removed and the street “dug out,” ladies and gentlemen could “loung[e] through” the street, which could “truly be called an Arcade or Bazaar, for fancy cannot desire nor necessity require an article, which may not be found there.” The market house remained in South Second Street, but the street surrounding it was elevated to a promenade.⁹⁰

Over the course of the 1850s, supporters of High Street Market’s removal successfully portrayed the market sheds and curbstome dealers as antediluvian obstacles to progress, socially and commercially marginal, and great inconveniences to the public. Despite the renovation of the market houses in the 1830s, observers continued to emphasize the ancientness of High Street Market. The *North American* noted that the Aztec capital of Tenochtitlan had been arranged around a single, central marketplace when Spanish conquistadors arrived in the sixteenth century: “Is it expected that we here in Philadelphia, in the last half of the nineteenth century, prefer a similar condition of things?” Dismissing public markets as the detritus of early stages of civilization’s development, the writer declared that High Street’s market sheds “would be splendid institutions for the Sandwich Islands, or Santa Fe, or some such place, where society is organized on a different basis.” The implication of these comparisons was that the men and women who clung to the old market order also might be better off in such societies.⁹¹

To their critics, the market sheds and their itinerant occupants literally blocked the way of progress, preventing Market Street from achieving its historical destiny. What that destiny entailed—an elegant shoppers’ promenade, a modern space of freight or passenger rail transit, or a combination of the two—was another question. Nevertheless, all opponents of the market sheds agreed that Market Street was to be made a space of

⁹⁰ *North American*, April 6, 1846, Dec. 25, 1846; Margaret B. Tinkcom, “The New Market in Second Street,” *Pennsylvania Magazine of History and Biography* 82, no. 4 (Oct. 1958): 379-96.

⁹¹ *North American*, July 30, 1858, May 2, 1857.

free and smooth circulation, human or mechanical. Proponents of removal laid claim to William Penn's vision for Market Street, arguing that the city's founder had never intended for the sheds to be a permanent fixture. In its 1853 report, the city council lamented "an erroneous impression which many of our citizens entertain" that Penn designed Market Street to be a marketplace.⁹² Others described High Street Market and its curbstone occupants as physically and symbolically out of place in a modern metropolis. Market Street was the city's historical axis, a 100-foot-wide boulevard that exuded grace and gravitas, and an emblem of civic identity in a city that took the "geometric precision" of its streets very seriously. Yet its symbolic power was thwarted, as one critic poeticized: "The wide, capacious street, which might / Of ev'ry man the boast be made / Is given up to hucksters' stalls / The popped corn and the peanut trade."⁹³ The clearance of Market Street's "monstrous obstructions," the *North American* declared, would be "an improvement which is destined to reflect more lustre on the city than anything else in its history during the last decade."⁹⁴

In Market Street, the idea of progress became inextricably linked to the freedom of movement. Critics wondered why the convenience of a few hundred marginal traders should take precedence over the needs and desires of the general public: "The argument of public convenience or necessity cannot be invoked in their favor where, as in the case

⁹² Appendix No. 114, *JCCP*, 1852-53: 285; *North American*, Nov. 17, 1853, Jan. 7, 1853, Oct. 30, 1858. The source for these claims was John Fanning Watson's *Annals of Philadelphia*, which quoted (in two separate places) an eighteenth-century antiquarian describing the sheds as "a shameful and inconvenient obstruction." John Fanning Watson, *Annals of Philadelphia and Pennsylvania, in the Olden Time...* (Philadelphia, 1830), 298, 307. Penn's vision of a "greene country towne" furnished the putative inspiration for a wide array of urban projects in nineteenth-century Philadelphia, including the failed William Penn Market detailed at the end of chapter one. On Penn and the politics of public memory in antebellum Philadelphia, see Gary B. Nash, *First City: Philadelphia and the Forging of Historical Memory* (Philadelphia: University of Pennsylvania Press, 2002), 205-222.

⁹³ Alexis de Tocqueville, *Letters from America*, ed. Frederick Brown (New Haven: Yale University Press, 2010), 209; *North American*, Nov. 4, 1858.

⁹⁴ *North American*, Oct. 30, 1858.

of the markets in Market street, the majority of the people, both in numbers and interest, are infinitely more incommoded by their presence than they are served and benefited.”⁹⁵

Another author mocked those whose “sole business in life seems to be to interfere with other people’s progress.” The “anti-reformers” were “incredulous of any improvement” and deaf “to the cry of public convenience and the demands of trade.”⁹⁶ What was convenient for previous generations of Philadelphians was no longer so for a modern lifestyle predicated on the rapid circulation of people, commodities, and capital.

Merchants took pains to align their personal convenience with the modern civic circulatory system, describing the difficulties posed by the obstructive sheds and curbstone dealers as negatively affecting all Philadelphians. Whether or not all Philadelphians frequented the street, they argued, one snarl in the civic circulatory system affected the totality. “In passing along Market street at the present time,” an observer wrote in 1846, “one cannot but be struck with the great inconvenience to which our business men are subject, from the crowded state of their pavements.” The street, the author argued, “should be appropriated exclusively to business and for the accommodation of those who are attracting it so successfully to our city.”⁹⁷ Another writer pleaded for “a free and commodious channel” for the “movements of business,” eased of the incessant crush of “drays, wagons, carriages, merchandize, men and animals.”⁹⁸ The removal of the “cheerless and unsightly” market sheds, a petition signed by over 500 merchants argued, would serve “the vital interests of Philadelphia ... to place

⁹⁵ *North American*, March 6, 1856. The writer continued: “It is perfectly practicable for private and municipal enterprise to furnish much more commodious provision marts on sites out of those common avenues intended for the free use of all, as well as in more convenient vicinity to the respective divisions of the population dependent on them.”

⁹⁶ *North American*, Feb. 23, 1856.

⁹⁷ *North American*, April 14, 1846.

⁹⁸ *North American*, Dec. 22, 1852.

her where she of right ought to be, and what the pride of her citizens desires she should be, *the great distributing and manufacturing mart of the land.*” Another called on the city council to perform its responsibility and allow “the public interest ... to prevail” over the “market nuisance.”⁹⁹

But for almost five years, from early 1854 to late 1858, the market issue paralyzed the city council. The hang-up stemmed more from political than legal complications. In 1854, the state Supreme Court removed all legal obstacles to the city’s plan (while condemning its underhandedness), affirming the right of the municipal corporation “to shift [a market] from place to place, when the convenience or necessities of the people demand it.”¹⁰⁰ How and where to shift the marketplace, and whether to shift or simply eliminate it, were more intractable questions. Following the Broad Street Market debacle, many city lawmakers betrayed ambivalence or condescension towards the municipal corporation’s continued control of the market system. During a heated debate over High Street Market in 1855, one councilman stated he “could not perceive why the city should build market houses for persons to sell their produce in,” since no other trade received the same accommodation from the city. The municipal market “was merely a relic of the past,” he claimed, “which has become unfit for the present age.” In his inaugural mayor’s address in 1858, Alexander Henry articulated similar misgivings. “The policy of providing at the public expense,” he wrote, “accommodations, however profitable they may be to the common revenue, for carrying on any individual business, must be very

⁹⁹ Appendix No. 206, *JCCP*, 1855-56: 611; *North American*, May 12, 1852.

¹⁰⁰ Appendix No. 206, *JCCP*, 1855-56: 601. While the legal obstacles were removed, the city council found itself struggling to wade through the market laws of the pre-consolidation districts, of which “no two [were] alike” the city commissioner complained in 1856, to produce a single, unified set of market ordinances. “There is,” Mayor Vaux declared in 1856, “no subject that more imperatively demands an enlightened revision and consideration by Councils than the sale of that most important object of trade—the food of the million.” Appendix No. 92, *JCCP*, 1855-56: 398.

questionable.”¹⁰¹ Most lawmakers were more circumspect, mindful of the popularity of municipal market houses among a large portion of the electorate, especially the politically influential butchers.

Critics did not view the council’s reluctance to enact legislation to evacuate Market Street as representative of popular will but rather of a minority “market interest.” In 1858, the *North American* compared Philadelphia’s “ladies of the stalls” with “*les dames des halles*,” the Parisian market women whose favor French rulers were forced to curry at various historical moments. “See how respectfully they are treated by members of the City Councils,” it noted, “while those scurvy counting house fellows receive the cold shoulder.” In more contemporary parlance, another writer “fear[ed] that there [was] not sufficient independence of mind and freedom from demagogic influences.”¹⁰² Further, the Market Street contest fueled the sharp political rivalry between Whigs and Democrats. After Democrats returned to power in 1856, Whig supporters referred to the council’s inability to enact Market Street legislation as indicative of the former party’s ineptitude. “The opponents of the democratic party,” one wrote in 1858, “have ever shown themselves in Philadelphia the true friends of improvement, progress and home interests.”¹⁰³

With the election of Mayor Henry in 1858, the major political obstacles were removed, and the city council proceeded with the demolition of High Street Market and the abandoning of the municipal market system. The ordinance of December 1, 1858,

¹⁰¹ *Inquirer*, March 13, 1855; *First Annual Message of Alexander Henry* ... (Philadelphia, 1859), 28. As Helen Tangires suggests, Henry’s predecessor, Democrat Richard Vaux, had been constrained by the fact that a large capital improvement like the new market houses would have proved unpopular in the context of the Panic of 1857. Tangires, *Public Markets*, 105.

¹⁰² *North American*, August 3, 1858, Sept. 20, 1858; *Inquirer*, March 13, 1855.

¹⁰³ *North American*, Oct. 18, 1858, July 14, 1862.

called for the sheds to be torn down at the beginning of March the following year. A delegation of butchers and market supporters traveled to Harrisburg in late February to ask the state legislature and Supreme Court to halt the proceedings. In its review of the 1854 decision, the court reaffirmed the right of the corporation to “shift” the marketplace. But it also authorized the corporation to divest itself of market responsibilities altogether. Broad Street Market, Justice John Meredith Read wrote, “has as yet produced no revenue,” and “the whole [market] scheme has utterly failed, with a most serious pecuniary loss to the city and their constituents.” He concluded: “This costly outlay is now entirely superceded by private corporate enterprise, which promises to supply the old city proper with well arranged and convenient market-houses.”¹⁰⁴ In early March, the *North American* announced that buyers and sellers “were rapidly accommodating themselves to a new order of things.”¹⁰⁵

Portraying themselves as “business men” arrayed against the “peculiar interests” and “antagonistic” aims of the municipal corporation, private market companies rapidly proliferated after the city passed the December 1, 1858, ordinance.¹⁰⁶ Rice’s Broad Street Market provided the template for many of the new market halls that sprung up across the city over the next decade—quite literally, in fact, as the Western Market Company hired Rice to build the city’s first fully private market house in November 1858.¹⁰⁷ Built on lots rather in the middle of streets, all conformed to the spatial logic of the grid. Many contained their own railroad depots to facilitate the more rapid distribution of agricultural

¹⁰⁴ *Twitchell v. City of Philadelphia* (1859), 33 Pa. 221; *Wartman v. Philadelphia*, 33 Pa. 210.

¹⁰⁵ *North American*, March 4, 1859.

¹⁰⁶ *Report of the Managers of the Farmers’ Market Company, Presented at the Second Annual Meeting of the Stockholders, Held January 11, 1862 ...* (Philadelphia, 1862), 5; Ch. 300 (Dec. 1, 1858), *Ordinances and Joint Resolutions of the Select and Common Councils of Philadelphia* (Philadelphia, 1858), 459-460; De Voe, “Public Markets of Philadelphia,” N-YHS.

¹⁰⁷ *Inquirer*, Nov. 17, 1858; *North American*, April 12, 1859; Tangires, *Public Markets*, 112-114.

products to city retailers and consumers. Situated at the corner of Market and Twelfth Street, the Farmers' Market (built in 1860) typified the scale of the new operations. Costing its proprietors \$260,000, the structure measured 306 feet long, 114 feet wide, and 80 feet high and was considered to be the largest market house in the United States at the time (Fig. 5.4).¹⁰⁸ Interior photographs of Franklin Market, designed by John McArthur, Jr. (also responsible for Philadelphia's City Hall) and erected in 1859 on South Eleventh Street between Market and Chestnut Street, illustrated the vast difference between the commodious new market houses and the humble street sheds (Fig. 5.5).

By the end of 1858, state lawmakers had incorporated thirteen such market companies, and the next two years saw many more legislative charters for market entrepreneurs. Many of these private market houses would fail within a few years, as butcher-historian Thomas De Voe wrote upon his visit to the city in 1862, victims of the vast costs of construction and the glut of market stalls.¹⁰⁹ Their effects were far more lasting, however, paving the way for a new wave of private provisions dealers and undermining municipal market laws. In contrast to the 1838 charter of the William Penn Market Company, which was subject to "the control and supervision of the proper municipal authorities of the city of Philadelphia," Helen Tangires observes, most of the new company charters of 1859 "vested authority for the ownership, maintenance, use, and management of the market house to a board" of managers. The twenty rules and regulations established by the state-chartered Farmers' Market Company of Philadelphia took precedence over city market laws. When Mayor Henry expressed doubts about the city's role in furnishing market accommodations in his 1858 address, he effectively

¹⁰⁸ Barshinger, "Provisions for Trade," 114.

¹⁰⁹ De Voe, "Public Markets of Philadelphia," N-YHS.

declared the end to municipal markets in Philadelphia. What began as an effort to remove High Street Market and replace it with more convenient public market houses ended with the devolution of municipal market regulations to private enterprise.¹¹⁰

Yet the dismantling of the market sheds did not complete Market Street's transformation. In September 1859, the *North American* gleefully reported that "Market street is at length cleared of its curbstone dealers, wagons, butcher blocks, hucksters' tubs and baskets, and all the disgusting odors peculiar to the reign of the shiners." It continued: "We had not the pleasure of watching the wagons depart, but it must have been rich, as most of them never had any horses, having been drawn to and from the curb, every market day, by hand."¹¹¹ The celebration was short-lived. After being removed from Market Street, many of the curbstone dealers settled in South Street, where they drew customers away from several new private market houses in the largely working-class neighborhood. The city council had been able to banish market wagons from Market Street, but it could not eliminate their presence entirely. As a result, it passed ordinances designating several streets, including South Street, as stands for wagons. Just as they had done in Market Street, the curbstone dealers styled themselves farmers and parked their wagons adjacent to busy public markets—or, as the *North American* put it in characteristically racial terms, "all the tribe of market people rushed into them pell mell." Nearby market houses suffered under the weight of competition and "were soon deserted" or converted into armories or distribution points during the Civil War.¹¹² By the early 1860s, then, with many of the company market halls out of business and municipal market laws stripped of their utility, there emerged new opportunities for a more

¹¹⁰ Tangires, *Public Markets*, 108-110; *Report of the Farmers' Market Company*, 17-19.

¹¹¹ *North American*, Sept. 6, 1859.

¹¹² *North American*, Nov. 6, 1861, Nov. 8, 1859; *Public Ledger*, Nov. 18, 1859; *Inquirer*, Dec. 3, 1860.

decentralized and privatized system of marketing to take root.

Conclusion: Two views of capitalism

If the public market stood as the symbol of the civic economy in the first decades of the nineteenth century, the street replaced it in the 1850s—literally, in High Street Market’s case. With late-antebellum developments in lithography and photography, street scenes offered a way for Americans to think through the various meanings of capitalism.¹¹³ Two lithographs, one of Baltimore Street in 1850 and the other of Market Street in 1859, each celebrate the commercial prosperity of Baltimore and Philadelphia, but they do so in decidedly different ways (Figs. 5.6, 5.7). Employing a deep perspective, E. Sachse & Company’s Baltimore Street lithograph depicts a city in perpetual motion. Vectors of movement abound, as shoppers, cartmen, carriages, children, hucksters, and shopkeepers travel at diverging angles. Framing the scene is the massive Baltimore Museum, whose proprietors long had attempted to convince municipal authorities to remove their license fees. Just out of sight, to the right of the picture, was the old Centre Market. Awnings jut out into the street—placed by businesses with permission from the municipal corporation—blurring into a continuous row at the far end of the horizon. It is a boisterously heterogeneous portrayal of Baltimore’s commercial thoroughfare: white, upper-class promenaders pass by African-American laborers, while upwards of a dozen

¹¹³ Dell Upton has written extensively on the myriad cultural meanings of the antebellum street and of such street images specifically. See for instance, Dell Upton, “‘Another City’: The Urban Cultural Landscape in the Early Republic,” in *Everyday Life in the Early Republic*, ed. Catherine E. Hutchins (Winterthur, Del.: Henry Francis DuPont Winterthur Museum, 1994), 61-117; Upton, “Commercial Architecture in Philadelphia Lithographs,” in *Philadelphia on Stone: Commercial Lithography in Philadelphia, 1828-1878*, ed. Erika Piola (University Park: Pennsylvania State University Press, 2012), 153-175. See also Wendy Bellion, *Citizen Spectator: Art, Illusion, and Visual Perception in Early National America* (Chapel Hill: University of North Carolina Press for the Omohundro Institute of Early American History and Culture, 2011), 113-170; Nick Yablon, *Untimely Ruins: An Archaeology of American Urban Modernity, 1819-1919* (Chicago: University of Chicago Press, 2009), 107-146.

horses trot along. The potential for this streetscape to collapse into disorder is there—a horse threatens to run headlong into two draymen, a child dashes in front of a carriage—but a shared spirit of market activity unites all participants and keeps the disorder in check. This image is an eloquent and vibrant rendering of the civic economy, though its omission of the public market is revealing.

The 1859 Market Street lithograph tells a different story about capitalism, emphasizing orderly circulation, homogeneity, and refinement. Unlike Sachse's lithograph, which was produced for popular consumption, the Market Street lithograph was an advertisement for the street's businesses (though, in this sense, both commodified the streetscape). Published from 1857 to 1880, *The Baxter Panoramic Directory* endorsed a gentrified vision of the street that appealed to the sensibilities of businessmen and property holders, whose investments Baxter courted. Baxter's scenes removed all signs of the hucksters, carters, and poor Philadelphians who employed the street for commercial uses other than genteel shopping. That this particular lithograph carried the date of 1859, at the apex of contests over Market Street, makes the absence of conflict and difference all the more telling. This image captures the liberal vision of the city. By rendering Market Street a promenade, a spectacle of controlled motion that demarcated upper-middle-class identity, it celebrates the triumph of what Chris Otter has termed the "bourgeois visual environment." Just as important, the lithograph disregards those who were out of place in the bourgeois visual environment—people of color, laborers, and the poor, who belonged to parts of the city where vision was hindered and "dirt, din and stench did not instill a sense of shame."¹¹⁴ Finally, the image entirely obscures the role of

¹¹⁴ Chris Otter, "Making liberalism durable," 3; David Scobey, "Anatomy of the Promenade: The Politics of Bourgeois Sociability in Nineteenth-Century New York," *Social History* 17, no. 2 (May 1992): 203-227.

the state in creating this space of circulation: there are no policemen, no potential obstructions in need of regulation, and infrastructure is utterly absent. The rise of the liberal city made the rise of political and economic liberalism appear absolute and predestined.

The contrast between the two lithographs is not necessarily indicative of different self-perceptions between Baltimoreans and Philadelphians; there were pictorial directories that promoted a staid interpretation of Baltimore Street, as well. Nor should one lithograph be viewed as more authentic or less stylized than the other. Like many other images that depicted antebellum streets as riotous and anarchic, they both performed cultural work. They are prisms through which to examine the countervailing forces of capitalism, its kaleidoscopic features, and, in particular, the guiding tension between circulation and disorder in the antebellum city.



Fig. 5.1. Maryland Institute Schottisch, 1854. Compare this with the Fielding Lucas image of Centre Market (Fig. 1.8) from 1842.

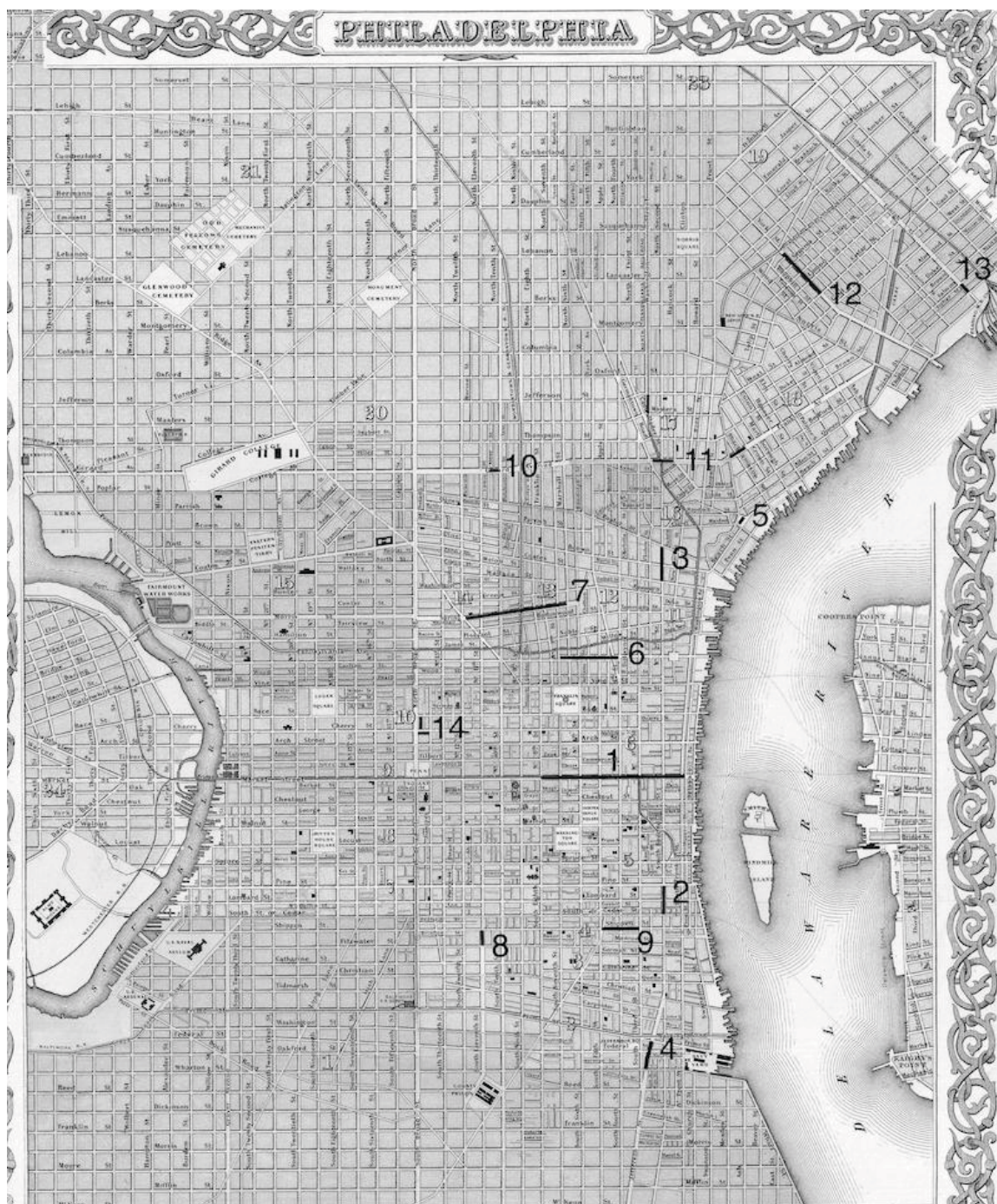


Fig. 5.2. Philadelphia's market houses in 1854: 1. High Street (1693), 2. South Second Street (1745), 3. North Second Street (1800), 4. Wharton (1813), 5. Kensington (1819), 6. Callowhill Street (1826), 7. Spring Garden, 8. South Eleventh Street (1835), 9. Washington (1835), 10. Girard Avenue (1847), 11. Franklin Avenue (1848), 12. York Street (1851), 13. Lehigh Avenue (1851), 14. Broad and Race Street (1854). Adapted from Colton's *Map of Philadelphia* (1856).

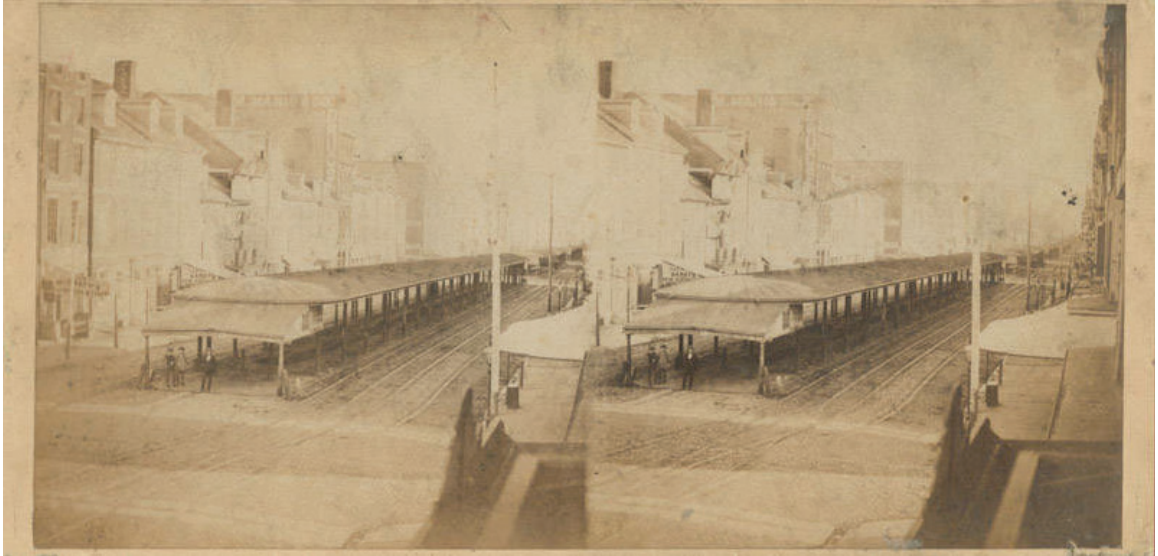


Fig. 5.3. Market Street in early 1859, shortly before its demolition. Library Company of Philadelphia.



Fig. 5.4. Butchers' and Farmers' Market, circa 1869. Library Company of Philadelphia.

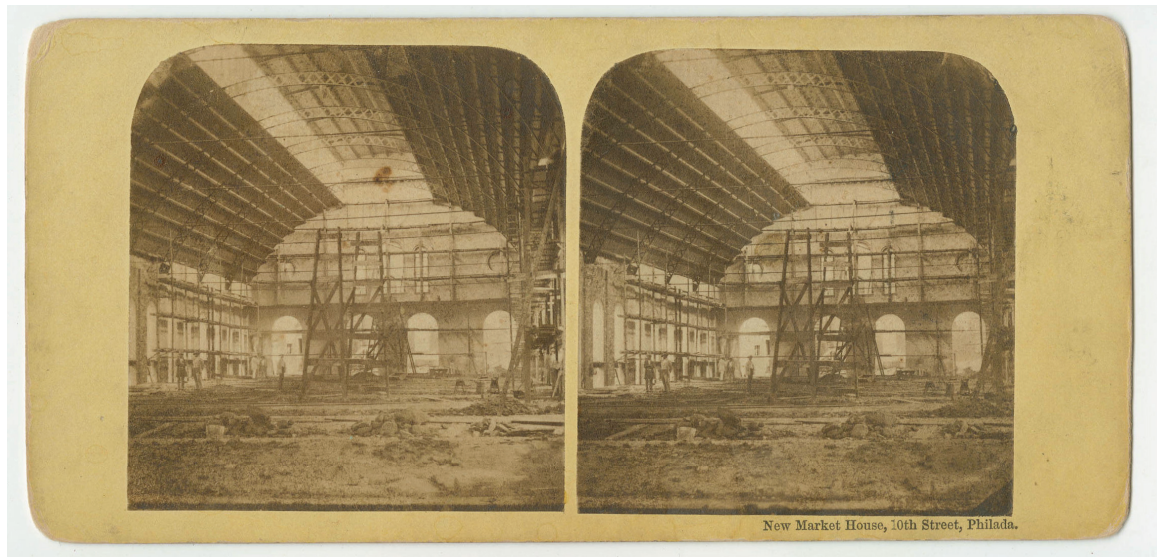


Fig. 5.5. Franklin Market, under construction, 1859. Library Company of Philadelphia.



Fig. 5.6. E. Sachse & Company print of Baltimore Street in 1850. Cator Print Collection, Enoch Pratt Free Library.

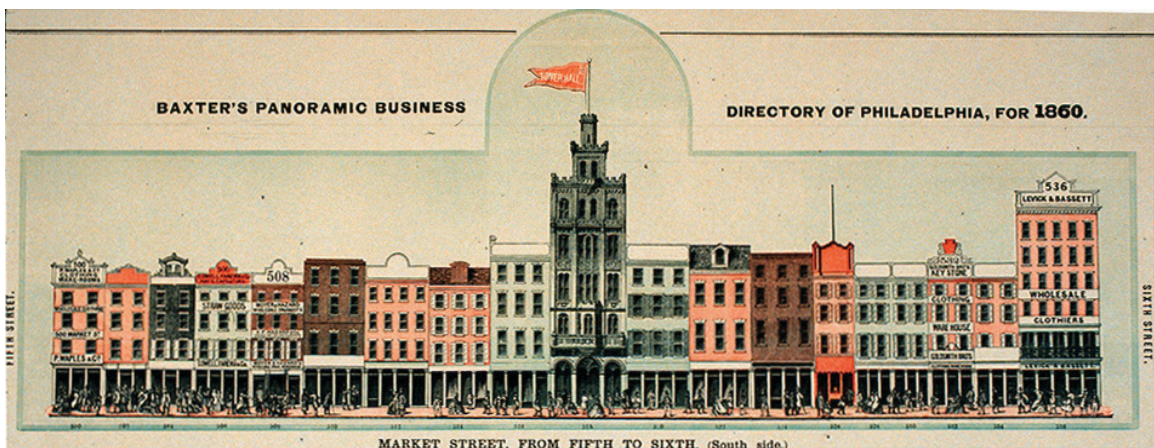


Fig. 5.7. *Baxter's Panoramic Business Directory, for 1860*. Market Street is presented as disencumbered (in more ways than one) from the former blight of High Street Market. Library Company of Philadelphia.

Epilogue: The Return of the Civic Economy

In early August 2007, health and housing officials condemned a city-owned horse stable nestled off a side street in West Baltimore, citing its deleterious effects on the horses as well as the neighborhood. The measure touched off a new round of debates about the future of a small but well-known group of African American fruit and vegetable hucksters known as arabbers. For many years prior to the closure of the Retreat Street stables, arabbers and their horse-drawn, produce-laden wagons had been vanishing from Baltimore's commercial landscape. Numbering around one hundred in the 1980s (down from their mid-century peak), there were "perhaps a few dozen" by the early 2000s. Since a 1966 ordinance prohibited the construction of new ones within city limits, the closure of one of the last three stables in the city appeared to seal arabbers' fate. In the wake of the 2007 closure, however, public opinion rallied around arabbing's preservation: there was renewed interest in the history of the trade (edified by a 2004 film documentary), a nonprofit preservation group was established in 2009, and the city renovated and expanded remaining stables in the early 2010s. The city's arabbers garnered media attention beyond the city, in part due to cameos in the television show, *The Wire*.¹

Nevertheless, despite the support of many Baltimoreans who celebrate arabbing as a distinctive and prominent feature of the city's history and culture, the combination of health regulations and competition continue to erode the economic and social foundations

¹ "City-Owned Building Condemned for Safety Violations," *Sun*, Aug. 9, 2007; "A Horse-Drawn Tradition Endures, Just Barely," *Los Angeles Times*, March 8, 2014. For a timeline of recent events (through 2013), see website of the Arabber Preservation Society, <http://www.baltimoremd.com/arabber> (last accessed June 3, 2014). See also Roland L. Freeman, *The Arabbers of Baltimore* (Centreville, MD: Tidewater Publishers, 1989). For the history of horses in the nineteenth-century city and related questions of animal cruelty and regulation, see Clay McShane and Joel A. Tarr, *The Horse in the City: Living Machines in the Nineteenth Century* (Baltimore: Johns Hopkins University Press, 2007); Ann Norton Greene, *Horses at Work: Harnessing Power in Industrial America* (Cambridge, MA: Harvard University Press, 2008).

of arabbing. License requirements prevent anyone under eighteen years old from handling the horses, for instance, which arabbers protest is “stopping them [young people] from joining the trade.” In fall 2013, officials began enforcing a ten-year-old ordinance that mandated the microchipping of horses to enable GPS tracking, a digital wrinkle to the long history of attempts to regulate the mobility of commercial itinerants—a history that, Chapter Two indicated, linked to broader concerns about the mobility of African Americans. Arabbers accepted the new tracking regulations but lamented the additional costs, paperwork, and oversight. While the proliferation of community gardens and farmers’ markets has increased demand for fresh fruits and vegetables, arabbers are often relegated to side (and less visible) streets as a result of the dangers posed by automobiles. Despite growing attention to the pervasive problem of “food deserts” in Baltimore, the number of arabbers has dwindled to about a dozen according to the most recent estimates.²

The history of Baltimore’s arabbers is not just a lesson in race, regulation, and entrepreneurship but also of the enduring legacies of nineteenth-century liberalism in the city more generally. Arabbing emerged in the immediate aftermath of emancipation, taking advantage of African Americans’ newly fortified freedom of movement. Arabbing addressed two distinctive problems of capitalism in the liberal city: discrimination in the labor market and deepening disparities in access to food. By the late-1850s, free persons

² Catherine Finn, “The Wanderers’ Songs: The Last of Baltimore’s Arabbers—Horse-and-Cart Vendors—Are Fading Away,” *National Trust for Historic Preservation*, <http://www.preservationnation.org/magazine/story-of-the-week/2008/the-wanderers-songs.html> (last accessed June 3, 2014); “Arabbers Get New Stable, Submit to Microchip Tracking Rule,” *Sun*, Oct. 24, 2013; “For Want of a Horse: Will This Generation of Arabbers be Baltimore’s Last?” *City Paper* (Baltimore), April 28, 2010, <http://www2.citypaper.com/news/story.asp?id=20166> (last accessed June 4, 2014); “Baltimore Arabbers on Edge After Rash of Run-Ins with Cars,” *Sun*, March 5, 2014. For more detailed explorations of the issues surrounding arabbing, see Alison Hope Alkon and Julian Agyeman, *Cultivating Food Justice: Race, Class, and Sustainability* (Cambridge, MA: MIT Press, 2011).

of color faced mounting obstacles to employment in trades they long had occupied. Competition from native-born and immigrant white laborers, punctuated by violence and intimidation, undermined the place of African Americans in shipbuilding and brickmaking trades.³ Racism and economic competition, filtered through the prism of the civic economy, also undergirded late-antebellum attempts to restrict free blacks' use of public markets. In 1858, 77 men and women, including hucksters, petitioned Baltimore's city council "to pass an ordinance to Prohibit the coloured population from renting & licensing stalls in the different markets in the city." The city council ruled averse to the petition, but it offered no solutions to the larger forces at work.⁴ In conjunction with labor discrimination and increasing residential segregation, the turn away from municipal markets fixed food system inequalities in the landscape of the liberal city. Much of the contemporary phenomenon of food deserts can be traced to regulatory shifts in the 1850s.⁵

The case of arabbers points to one of the underlying themes of this dissertation: the public good is a capacious concept that has worked, at various moments, to buttress social inequities rather than bridge them. *The People's Welfare*, William Novak's pioneering study, adapts the categories of Nathan Dane and other antebellum jurists to argue that the public good encompassed five primary objectives: public safety, public

³ M. Ray Della, Jr., "The Problems of Negro Labor in the 1850's," *Maryland Historical Magazine* 66, no. 1 (Spring 1971): 14-32; Towers, "Job Busting at Baltimore Shipyards: Racial Violence in the Civil War-Era South," *The Journal of Southern History* 66, no. 2 (May 2000): 221-256. The new state constitution (abolishing slavery) in 1864, along with other rights recovered after the Civil War, did little to alleviate job busting, which peaked in 1865 and 1866. In direct response, the Colored National Labor Union (the first of its kind) formed in Baltimore in 1866.

⁴ City Council Records, 1858:302, BCA; *Sun*, May 19, 1858. Unfortunately, a counter-petition in support of African American market vendors (1858:303) is missing and presumed lost.

⁵ For works that consider how racism has shaped food systems, see Bertie Mandelblatt, "Geography of Food," in *The Oxford Handbook of Food History*, ed. Jeffrey M. Pilcher (New York: Oxford University Press, 2012), 154-171. For a study of liberalism and its effects on urban food systems in another context, see Richard Graham, *Feeding the City: From Street Market to Liberal Reform in Salvador, Brazil, 1780-1860* (Austin: University of Texas Press, 2010).

economy, public ways, public morality, and public health. While not critiquing Novak's decision to organize his chapters around these five categories—they are, after all, useful heuristic devices—this dissertation demonstrates the need to explore the active construction and contestation of these categories. In contrast to Novak's public economy, the civic economy stresses how the public good was a subjective concept that could be wielded as an instrument of discrimination as well as democracy, of community as well as personal interests, of the powerful as well as the powerless. This tension underpinned the civic economy.

The more marginalized a group was, the blurrier legal distinctions between streets, safety, health, morality, and economy became. On the one hand, the collapsing of legal categories into a single, overarching concept—order—opened up space for participants in the informal economy, because it encouraged police officers, market clerks, and other ground-level authorities to construe municipal regulations more loosely. Whether officials did so from a sense of social solidarity with the people they policed, confusion about what the law meant, or profit incentives (bribery), they contributed to the many legalities of the civic economy. On the other, the slipperiness of classifications like public health and morality empowered lawmakers to crack down on particular economic activities whenever they sensed political opportunities or shifts in prevailing attitudes. A Progressive-era jurist captured this dynamic when he described license laws as “fluctuat[ing] with the changes of feeling continually occurring in society” about what constituted a “danger to social interests.” As a result, regulation made life more, not less, precarious for those who engaged more informally with antebellum capitalism. These men, women, and children, comprising a large (and perhaps majority) of the urban

population, inhabited the spaces between Novak's categories. Moreover, they bore the unseen costs of regulation—penalties, delays, lawyer's fees, time spent circulating petitions—more heavily than their wealthier counterparts.⁶

If the civic economy contained the seeds of a more democratic vision of capitalism in the early republic, by the 1840s and 1850s that vision, like improperly stored flour, had begun to decompose. Nevertheless, the civic economy retains hope for regenerating these seeds. Debates over how to balance the need for order while preserving the livelihood of arabbers—as well as their link to an indispensable piece of the city's history—suggest that certain roots of the civic economy so well captured in the 1850 Baltimore Street lithograph are as robust as ever. Moving from the local to the national and beyond, movements to alleviate restrictions on food trucks and farm stands, promote fairer access to the financial system through microloans, and breathe new life into urban public spaces demonstrate a renewed interest in bringing capitalism back down to the human scale. Just as important, these movements have led at least some local, state, and federal authorities to reconsider the relationship of the market to the city, though—as always—politics has been as much an obstacle to as an instigator of innovation in the civic economy. At the very least, recent events suggest that the tendrils linking democracy and capitalism have not fossilized but rather continue to sprout new growths for the people to cultivate.

⁶ Theodore W. Dwight, "License Laws," in *Johnson's Universal Cyclopaedia: A Scientific and Popular Treasury of Useful Knowledge*, eds. Frederick A. P. Bernard and Arnold Guyot (New York, 1889-1890), 4:799.

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Curriculum Vitae – Robert J. Gamble

Employment

August 2014– Visiting Assistant Professor of History, University of Kansas
2012–2013 Instructor, Maryland Institute College of Art

Education

2014 Ph.D., Johns Hopkins University, Department of History
2009 M.A., Johns Hopkins University, Department of History
2005 B.A., Johns Hopkins University

Publications

Articles and Essays

“‘For Lucre of Gain and in Contempt of the Laws’: Itinerant Traders and the Politics of Mobility in the Eighteenth-Century Mid-Atlantic,” in *Early American Studies: An Interdisciplinary Journal* (forthcoming).

“The Promiscuous Economy: Cultural and Commercial Geographies of Secondhand in the Antebellum City,” in *Capitalism by Gaslight: Illuminating the Economy of Nineteenth-Century America*, eds. Brian P. Luskey and Wendy A. Woloson (University of Pennsylvania Press, in press).

Reviews

Adam Arenson, *Great Heart of the Republic: St. Louis and the Cultural Civil War*, in *Planning Perspectives* 27, no. 4 (Fall 2012): 641–642.

Fellowships and Other Honors

2013 Fall Dean’s Teaching Fellowship, Johns Hopkins University
2012 Fall Frederick Jackson Turner Grant, Johns Hopkins University
2011 Fall Lord Baltimore Research Fellowship, Maryland Historical Society
2010–2011 Consortium Dissertation Fellowship, McNeil Center for Early American Studies
2010 Program in Early American Economy and Society Dissertation Fellowship, Library Company of Philadelphia (Declined)
2007–2013 Graduate Research and Teaching Fellowship, Johns Hopkins University, Department of History
2005–2007 Graduate Teaching Fellowship, University of Pittsburgh, Department of History
2004 Spring Undergraduate Fellowship in the Humanities, Johns Hopkins University

Presentations

Invited Talks

- 2012 “‘A Subject in Which Every Citizen is Concerned’: The Political Economy of Public Markets in Antebellum Baltimore and Philadelphia,” McNeil Center for Early American Studies, Philadelphia, Nov. 16

Conference Papers

- 2013 “Policing Commercial Mobility in Early Republican Baltimore and Philadelphia,” Ligaments: Everyday Connections of Colonial Economies, Annual Conference of the Program in Early American Economy and Society, Library Company of Philadelphia, Oct. 24–25
- 2013 “Adventures in Statecraft: Morality, Regulation, and the Anti-Lottery Movement in Antebellum Philadelphia,” Annual Meeting of the Pennsylvania Historical Association, Harrisburg, Oct. 17–19
- 2013 “Ungovernable Goods: Themes in Theft and Capitalism in the Antebellum Urban Marketplace,” Annual Conference of Society for Historians of the Early American Republic, St. Louis, July 18–21
- 2012 “Making Space for Capitalism: Urban Political Economy in the Early Republic,” Annual Omohundro Institute Conference, San Marino, CA, June 14–17
- 2012 “Promiscuous Commodities: The Culture of Secondhand in the Antebellum Mid-Atlantic,” Capitalism by Gaslight: The Shadow Economies of 19th-Century America, Library Company of Philadelphia, June 7–8
- 2011 “Rogue Capitalism: The Problem of Mobility in the Mid-Atlantic Imagination,” Mid-Atlantic Popular/American Culture Association Annual Conference, Philadelphia, Nov. 3–5
- 2009 “From Public Markets to Department Stores: Retail Design in Nineteenth-Century America,” Biennial Conference for Society for American City and Regional Planning History, Oakland, Oct. 15–18
- 2009 “America’s Many Revolutions: Civil War and the Right of Revolution,” Annual Conference of Society for Historians of the Early American Republic, Springfield, IL, July 16–19
- 2008 “Moral and Political Economies of Public Markets in Antebellum Baltimore,” Baltimore City Historical Society Works-in-Progress Conference, May 9
- 2008 “A Few Bad Apples: Regulating the Public Market in Antebellum Baltimore,” The American Seminar, Johns Hopkins University, April 16
- 2007 “‘Revolutions Are Always Right’: The Imaginary of Revolution in Nineteenth-Century America,” Boundaries & Alliances, Carnegie Mellon University Graduate Student Conference, April 15–16

Teaching

- 2014 Fall “American Culture, 1600–1876,” University of Kansas
- 2014 Fall “The Historian’s Craft,” University of Kansas

- 2013 Fall "Buying Power: American Consumer Society, 1750–1950," Johns Hopkins University
- 2013 Spring "Architectural and Social History of Baltimore," Maryland Institute College of Art
- 2012 Fall "Intellectual History of the American South," Maryland Institute College of Art
- 2012 Jan. "Blue-Collar Baltimore: The Making of a Working-Class City," Intersession Program, Johns Hopkins University
- 2010 Jan. "Before Harborplace: Urban Renewal(s) and Downtown Baltimore," Intersession Program, Johns Hopkins University
- 2005–2012 Teaching Assistant for "China: Neolithic to Song," "Making America: Immigration, Race, and Citizenship, 1865-1950," and "Occidental Civilization, 1492-1776," Johns Hopkins University (Fall 2008–Spring 2012); "The Irish in America," "U.S. History, 1865-Present," "U.S. History, 1607-1877," and "Modern Western Civilization," University of Pittsburgh (Fall 2005–Spring 2007)

Service

- 2013 Spring Research Assistant for Michael P. Johnson, Johns Hopkins University
- 2011 Student Mentor and Commenter, 3rd Annual Undergraduate Research Workshop, McNeil Center for Early American History, April 19–20
- 2011–2012 Graduate Assistant Archivist, Milton S. Eisenhower Library, Special Collections, Johns Hopkins University
- 2011–2012 Treasurer, History Graduate Student Association, Johns Hopkins University
- 2010–2011 Chair of Conference Organizing Committee, "The Power of Stories: Authority and Narrative in Early America," Biennial Graduate Student Conference, McNeil Center for Early American Studies, Sept. 29–Oct. 1
- 2009 Presentation to Baltimore City Public School Teachers, "Working on a Dream: Labor Relations and the Pursuit of an American Dream," Baltimore Museum of Industry, Dec. 5
- 2007–2008 Secretary, History Graduate Student Association, Johns Hopkins University
- 2004 Spring Research Intern, "Newspaper Pictorials: World War I Rotogravures," American Memory Project, Library of Congress

Memberships

American Historical Association
 Organization of American Historians
 Society for Historians of the Early American Republic
 Southern Historical Association
 Urban History Association
 Society for American City and Regional Planning History